

# FEDERAL REGISTER

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## Regulations

### TITLE 7—AGRICULTURE

#### Chapter IX—Agricultural Marketing Administration

##### PART 903—MILK IN THE ST. LOUIS, MISSOURI, MARKETING AREA

###### HANDLING OF MILK

Order terminating certain provisions of § 903.3 (b) and (e) (2) of the order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area.

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 1940 ed. 601 *et seq.*), hereinafter referred to as the "act", and the provisions of the order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area, it is hereby determined that the provisions of such order which provide that flavored milk, flavored milk drinks, and buttermilk shall be classified as Class I milk are provisions which obstruct and do not tend to effectuate the declared policy of the act with respect to the producers of milk defined in the said order; and such has been the case since November 17, 1942, when the St. Louis, Missouri, health authorities, as an emergency measure made necessary through the shortage of "Grade A" milk, permitted such products to be made from other than "Grade A" milk.

*It is, therefore, ordered,* That the following provisions of the order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area shall be, and hereby are, terminated effective as of 12:01 a. m., e. w. t., November 17, 1942:

1. In § 903.3 (b), the words "the skim milk and butterfat of" and "flavored milk and milk drinks (of any butterfat test), and buttermilk"; and

2. In § 903.3 (e) (2), the words "flavored milk and milk drinks (of any butterfat test), and buttermilk."

Done at Washington, D. C., this 22d day of December 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

THOMAS J. FLAVIN,  
Assistant to the Secretary  
of Agriculture.\*

[F. R. Doc. 42-13744; Filed, December 23, 1942;  
4:01 p. m.]

### TITLE 14—CIVIL AVIATION

#### Chapter I—Civil Aeronautics Board

[Amendment 60-4, Civil Air Regulations]

##### PART 60—AIR TRAFFIC RULES

###### PILOT CERTIFICATES

At a session of the Civil Aeronautics Board held at its office in Washington, D. C. on the 16th day of December, 1942.

Acting pursuant to sections 205 (a) and 601 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective December 16, 1942, Part 60 of the Civil Air Regulations is amended as follows:

By amending § 60.30<sup>1</sup> to read as follows:

§ 60.30 *Pilot certificates.* No person shall pilot a civil aircraft in the United States unless such person holds a valid pilot certificate issued by the Administrator or an effective foreign pilot certificate validated by the Administrator. Any person may operate the controls of an aircraft if the aircraft is equipped with fully functioning dual controls and one of the control seats is occupied by a person holding an appropriate pilot certificate.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,  
Secretary.

[F. R. Doc. 42-13765; Filed, December 23, 1942;  
9:42 a. m.]

<sup>1</sup> 6 F. R. 5201.

<sup>2</sup> Acting pursuant to authority delegated by the Secretary of Agriculture under the Act of April 4, 1940. (54 Stat. 81; 7 F. R. 2659)

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[Regulations, Serial No. 249]

### PART 202—ACCOUNTS AND REPORTS

#### FORMS OF FINANCIAL AND STATISTICAL REPORTS OF AIR CARRIERS

Adopted by the Civil Aeronautics Board at its offices in Washington, D. C., on the 12th day of December 1942.

The Civil Aeronautics Board, acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 407 (a) thereof, and deeming its action necessary to carry out the provisions of said Act and to exercise its powers and perform its duties thereunder, hereby makes and promulgates the following regulation:

Effective on the 12th day of December 1942, § 202.5 of the Economic Regulations<sup>1</sup> *Reports of Change in Aircraft Ownership or Use by Air Carriers* is repealed.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,  
Secretary.

[F. R. Doc. 42-13763; Filed, December 23, 1942;  
9:41 a. m.]

[Regulations, Serial No. 250]

### PART 202—ACCOUNTS AND REPORTS

#### FORMS OF FINANCIAL AND STATISTICAL REPORTS OF AIR CARRIERS

Amendment No. 4 to § 202.1 of the Economic Regulations.

Adopted by the Civil Aeronautics Board at its offices in Washington, D. C., on the 12th day of December 1942.

The Civil Aeronautics Board, acting pursuant to the Civil Aeronautics Act of 1938, particularly sections 205 (a) and 407 (a) thereof, and deeming its action necessary to carry out the provisions of said Act, and to exercise its powers and perform its duties thereunder, hereby makes and promulgates the following regulation:

Effective December 21, 1942, § 202.1<sup>2</sup> of the Economic Regulations is amended by adding the following paragraph:

§ 202.1 *Forms of financial and statistical reports of air carriers.* \* \* \*

(c) Each air carrier engaged in regularly scheduled interstate air transportation within the continental limits of the United States and each air carrier engaged in regularly scheduled operations within the Territory of Hawaii shall, for each month subsequent to August 31, 1942, in which such air carrier conducts any operations or performs any services under war contracts, makes a financial and statistical report of such

<sup>1</sup> 7 F. R. 4130.

<sup>2</sup> 7 F. R. 499, 5899, 9416.

war contract operations to the Board using the Monthly Report of War Contract Operations for Domestic Air Carriers, CAB Form 2780-W, dated December 11, 1942, and such amendments thereto as may hereafter be approved by the Board. Such reports shall be prepared in accordance with the instructions set forth, and the originals of such reports shall be filed with the Secretary of the Civil Aeronautics Board at such times as are specified, in the said CAB Form 2780-W.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,  
Secretary.

[F. R. Doc. 42-13764; Filed, December 23, 1942;  
9:41 a. m.]

[Orders, Serial Number 2073]

### PART 202—ACCOUNTS, RECORDS AND REPORTS

#### UNIFORM SYSTEM OF ACCOUNTS FOR DOMESTIC AIR CARRIERS

Order prescribing Amendment No. 4 to the Uniform System of Accounts for Domestic Air Carriers.

Adopted by the Civil Aeronautics Board at its offices in Washington, D. C., on the 12th day of December, 1942.

The Board acting pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 407 (a) and 407 (d) thereof, and finding its action necessary to carry out the provisions of said Act, and to exercise its powers and perform its duties thereunder;

It is ordered, That section 32 of the Uniform System of Accounts for Domestic Air Carriers<sup>1</sup> (CAB Form 2780 Manual) as amended, be and the same is further amended as set forth in Amendment No. 4 attached hereto.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,  
Secretary.

#### Amendment No. 4 to the Uniform System of Accounts

Section 32 of the Uniform System of Accounts for Domestic Air Carriers (CAB Form 2780 Manual)<sup>2</sup> is amended as follows, all of said amendments to be effective on and after December 12th, 1942, and to be applicable with respect to all reports for periods commencing subsequent to September 30, 1942:

1. By cancelling new page 32—11 thereof now in effect, and substituting therefor first revised page 32—11, said page to read as attached hereto.<sup>3</sup>
2. By cancelling new page 32—12 thereof now in effect.

[F. R. Doc. 42-13773; Filed, December 23, 1942;  
9:42 a. m.]

[Orders, Serial Number 2072]

### PART 202—ACCOUNTS, RECORDS AND REPORTS

#### UNIFORM SYSTEM OF ACCOUNTS FOR DOMESTIC AIR CARRIERS

Order prescribing Amendment No. 1 to the Form of Report of Financial and

<sup>1</sup> 7 F. R. 499.

<sup>2</sup> Form filed as part of the original document.

Operating Statistics for Domestic Air Carriers.

Adopted by the Civil Aeronautics Board at its offices in Washington, D. C. on the 12th day of December 1942.

The Board finding that certain changes are necessary in the form of the Report of Financial and Operating Statistics for Domestic Air Carriers,<sup>1</sup> CAB Form 2780, as prescribed by paragraph (a) of § 202.1 of the Economic Regulations, as amended; and

The Board acting pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 407 (a) thereof, and finding its action necessary to carry out the provisions of said Act and to perform its duties thereunder;

It is ordered, That the form of Report of Financial and Operating Statistics for Domestic Air Carriers, CAB Form 2780, be and same is amended as set forth in Amendment No. 1 attached hereto.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,  
Secretary.

*Amendment No. 1 to the Form of Report of Financial and Operating Statistics for Domestic Air Carriers*

The form of the Monthly Report of Financial and Operating Statistics for Domestic Air Carriers, CAB Form 2780,<sup>2</sup> heretofore in effect is amended by cancelling all of said report form, and substituting therefor the attached form of Report of Financial and Operating Statistics for Domestic Air Carriers, CAB Form 2780, composed of Schedules 1, 2, 3, 4 (a), 4 (b), 5, 6, 7, 8, 9, 10, 11, 12 (a), 12 (b), 13 and 14, inclusive. Said amended report form shall be effective on and after December 12th, 1942, and shall be applicable with respect to the reports to be filed for October 1942, and thereafter.

[F. R. Doc. 42-13772; Filed, December 23, 1942; 9:41 a. m.]

## TITLE 17—COMMODITY AND SECURITIES EXCHANGES

### Chapter II—Securities and Exchange Commission

#### PART 210—REGULATION S-X UNDER SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, AND INVESTMENT COMPANY ACT OF 1940

#### FORM AND CONTENT OF CERTAIN FINANCIAL STATEMENTS

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, particularly sections 7 and 19 (a) thereof, the Securities Exchange Act of 1934, particularly sections 12, 13, 15 (d) and 23 (a) thereof, and the Investment Company Act of 1940, particularly sections 8, 30 and 38 (a) thereof, and deeming such action necessary and appropri-

ate in the public interest and for the protection of investors and necessary for the execution of the functions vested in it by the said Acts, hereby amends Part 210 [Regulation S-X] as follows:

I. Section 210.3-01 [Rule 3-01] is amended as follows:

The letter (a) is inserted preceding the text of the existing rule and the following paragraph is added thereto:

§ 210.3-01 *Form, order, and terminology.* (a) \* \* \*

(b) All money amounts required to be shown in financial statements and schedules may be expressed in thousands of dollars, provided that an indication to that effect is inserted immediately beneath the caption of the statement or schedule, or at the top of each money column. Zeros need not be inserted for the omitted figures. The individual amounts shown need not be adjusted to the nearest thousand if in a footnote it is stated that the failure of the items to add to the totals shown is due to the dropping of amounts less than one thousand dollars.

II. Section 210.3-02 [Rule 3-02] is amended by deleting the third sentence thereof.

III. Caption 6 of § 210.5-02 [Rule 5-02] is amended by adding a new paragraph (c) as follows:

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this rule, no classification of inventories shall be required which is in contravention of the Code of Wartime Practices.

IV. Section 210.5-04 [Rule 5-4] is amended:

A. By deleting the period at the end of the first sentence of paragraph (a) (1) thereof and inserting the following:

\* \* \* *Provided*, That any such schedule (other than Schedule I) may be omitted if all the following conditions exist:

(i) The financial statements are being filed as part of an annual or other periodic report;

(ii) The information that would be shown in the respective columns of such schedule would reflect no changes as to any issue of securities of the registrant or any significant subsidiary in excess of 5% of the outstanding securities of such issue as shown in the most recently filed annual report containing such schedule; and

(iii) Any information required by columns G and H of Schedule XIII—Capital shares, is shown in the related balance sheet or in a footnote thereto.

B. By adding the following new paragraph (d):

§ 210.5-04 *What schedules are to be filed.* \* \* \*

(d) If the information required by any schedule (including the footnotes thereto) may be shown in the related balance sheet without making such statement unclear or confusing, that procedure may be followed and the schedule omitted.

V. Paragraph (a) (2) of § 210.5-04 [Rule 5-04] is amended by deleting the third sentence thereof.

VI. The text of § 210.5-04 [Rule 5-04] following the caption, Schedule III—In-

vestments in securities of affiliates, is amended by deleting the period at the end thereof and adding the following:

\* \* \* *Provided*, That this schedule may be omitted if (1) neither the sum of captions 9 and 10 in the related balance sheet nor the amount of caption 29 in such balance sheet exceeds 5% of total assets (exclusive of intangible assets) as shown by the related balance sheet at either the beginning or end of the period or (2) there have been no changes in the information required to be filed from that last previously reported.

VII. The text of § 210.5-04 [Rule 5-04] following the caption, Schedule IV—Indebtedness of affiliates—Not current, is amended by adding the following sentence at the end thereof:

This schedule may be omitted if (1) neither the sum of captions 9 and 10 in the related balance sheet nor the amount of caption 29 in such balance sheet exceeds 5% of total assets (exclusive of intangible assets) as shown by the related balance sheet at either the beginning or end of the period, or (2) there have been no changes in the information required to be filed from that last previously reported.

VIII. The text of § 210.5-04 [Rule 5-04] following the caption, Schedule V—Property, plant, and equipment, is amended by deleting the period at the end thereof and adding the following:

\* \* \* *Provided*, That this schedule may be omitted if the total shown by caption 13 is less than 10% of total assets exclusive of intangible assets as shown by the related balance sheet at both the beginning and end of the period and if neither the additions nor deductions during the period exceeded 10% of total assets (exclusive of intangible assets) as shown by the related balance sheet.

IX. The text of § 210.5-04 [Rule 5-04] following the caption, Schedule VI—Reserves for depreciation, depletion, and amortization of property, plant, and equipment, is amended by adding the following sentence at the end thereof:

This schedule may be omitted if Schedule V is omitted.

X. The text of § 210.5-04 [Rule 5-04] following the caption, Schedule X—Indebtedness to affiliates—Not current, is amended by inserting the following at the end thereof:

This schedule may be omitted if (1) neither the sum of captions 9 and 10 in the related balance sheet nor the amount of caption 29 in such balance sheet exceeds 5% of total assets (exclusive of intangible assets) as shown by the related balance sheet at either the beginning or end of the period, or (2) there have been no changes in the information required to be filed from that last previously reported.

XI. The text of § 210.5-04 [Rule 5-04] following the caption, Schedule XVI—Supplementary profit and loss information, is amended by adding the following sentence:

This schedule may also be omitted if the information required by columns B and C and footnotes 4 and 5 thereof is furnished in the profit and loss or

<sup>1</sup> 7 F.R. 499.

<sup>2</sup> Form filed as part of the original document.

income statement or in a footnote thereto.

XII. The text of § 210.5-04 [Rule 5-04] following the caption Schedule XVII—Income from dividends—Equity in net profit and loss of affiliates, is amended by adding the following statement:

This schedule may be omitted if neither the sum of captions 9 and 10 in the related balance sheet nor the amount of caption 29 in such balance sheet exceeds 5% of total assets (exclusive of intangible assets) as shown by the related balance sheet at either the beginning or end of the period.

XIII. Section 210.12-06 [Rule 12-06]—Property, plant, and equipment, is amended by adding the following sentence to note 3:

If neither the total additions nor the total reductions during the period amount to more than 10% of the closing balance and a statement to that effect is made, Columns B, C, D, and E may be omitted. In such case any information required by notes 4, 5, and 6 shall, however, be given and may be in summarized form.

XIV. Section 210.12-08 [Rule 12-08], Intangible assets, is amended by adding the following sentence to note 3:

If neither the total additions nor the total reductions during the period amount to more than 10% of the closing balance and a statement to that effect is made, Columns B, C, D and E may be omitted by any company other than a public utility company. Any information required by note 4 or 5 shall, however, be given and may be in summarized form.

XV. Section 210.12-14 [Rule 12-14], Capital shares, is amended by deleting the period at the end of the first sentence of footnote 2 thereof, and inserting the following:

\* \* \*, *Provided*, That when this schedule is filed in support of a consolidated statement, the information required by Columns A to H inclusive need not be given as to any consolidated subsidiary if all of the outstanding shares of each issue of capital shares (other than directors' qualifying shares) of such subsidiary are held by one or more of the persons included in such consolidated statement; if the answer to Columns G and H would be none; and if a footnote indicating such omission is given.

Effective December 22, 1942.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 42-13743; Filed, December 22, 1942;  
3:00 p. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter VI—Selective Service System

[Amendment 111, 2d Ed.]

#### PART 626—REOPENING AND CONSIDERING AN NEW REGISTRANT'S CLASSIFICATION

##### OCCUPATIONAL CERTIFICATION

By virtue of the provisions of the Selective Training and Service Act

of 1940 (54 Stat. 885, 30 U.S.C., Sup. 301-318 inclusive); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in an Administrative Order dated December 5, 1942, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend the regulations by adding a new section to be known as § 626.2-1 to read as follows:

§ 626.2-1 *Action of local board when Occupational Certification is on file in registrant's Cover Sheet.* When the local board, upon review at any time, determines that a registrant should be considered for classification into a class available for military service and an Occupational Certification (Form 42B) is on file in the registrant's Cover Sheet (Form 53), it shall (1) notify the employer by detaching and mailing to him the Notice to Employer of Reopening Classification portion of the Occupational Certification (Form 42B) and (2) allow the employer 15 days from the date it mailed such notice in which to file an affidavit—Occupational Classification (Industrial) (Form 42A).

2. The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,  
Director.

DECEMBER 22, 1942.

[F. R. Doc. 42-13759; Filed, December 23, 1942;  
9:17 a. m.]

[Amendment 112, 2d Ed.]

#### PART 601—DEFINITIONS

##### ALIENS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301-318, inclusive); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in an Administrative Order dated December 5, 1942, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend paragraph (c) of § 601.2<sup>1</sup> to read as follows:

§ 601.2 *Aliens.* \* \* \*

(c) The term "citizen or subject of a neutral country" is used to designate an alien who is a citizen or subject of a country which is neither a belligerent country nor an enemy country.

2. The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,  
Director.

DECEMBER 22, 1942.

[F. R. Doc. 42-13758; Filed, December 23, 1942;  
9:17 a. m.]

<sup>1</sup> 6 F.R. 6825.

[No 153]

#### REEMPLOYMENT REFERENCE CARD

##### ORDER PRESCRIBING FORM

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885), and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of § 605.51 of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Addition of a new form designated as DSS Form 328A,<sup>1</sup> entitled "Reemployment Reference Card," effective immediately upon the filing hereof with the Division of the Federal Register.

The foregoing addition shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,  
Director.

NOVEMBER 5, 1942.

[F. R. Doc. 42-13760; Filed, December 23, 1942;  
9:17 a. m.]

#### Chapter IX—War Production Board Subchapter B—Director General for Operations PART 933—COPPER

[Supplementary Order M-9-b as Amended  
Dec. 23, 1942]

Section 933.3 *Supplementary Order M-9-b* as amended is hereby amended so as to read as follows:

§ 933.3 *Supplementary Order M-9-b—(a) Definitions.* For the purposes of this supplementary order:

(1) "Scrap" means all copper or copper-base alloy materials or objects which are the waste or by-product of industrial fabrication, or which have been discarded on account of obsolescence, failure or other reason.

(2) "Copper clad steel scrap" means all copper or copper-base alloy clad or coated steel materials or objects in which the cladding or coating amounts to 3% or more by weight and which are the waste or by-product of industrial fabrication, or which have been discarded on account of obsolescence, failure or other reason.

(3) "Copper" means copper metal which has been refined by any process of electrolysis or fire refining to a grade and in a form suitable for fabrication such as cathodes, wire bars, ingot bars, ingots, cakes, billets, wedge bars or other refined shapes, or copper shot or other forms produced by a refiner.

(4) "Copper-base alloy" means any alloy in the composition of which the percentage of copper metal by weight equals or exceeds 40% of the total weight of the alloy.

(5) "Alloy ingot" means an alloy ingot or other shape for remelting which has been cast primarily from copper-base alloy or scrap.

(6) "Brass mill scrap" means that scrap which is a waste or by-product of

<sup>1</sup> Filed as part of the original document.

industrial fabrication of products of brass mills.

(7) "Brass mill" means any person who rolls, draws or extrudes castings of copper or copper-base alloys; it does not include a mill which rerolls, redraws or reextrudes products produced from refinery shapes or castings of copper or copper-base alloys.

(8) "Foundry" means any person casting copper or copper-base alloy shapes or forms suitable for ultimate use without rolling, drawing, extruding, or forging. The process of casting includes the removal of gates, risers and sprues, and sand blasting, tumbling or dipping, but does not include any further machining or processing.

(9) "Scrap dealer" means any person regularly engaged in the business of buying and selling scrap.

(10) "Public utilities" means any person furnishing telephone, telegraph or electric light and power services to the public or city, suburban or inter-city electrically operated public carrier transportation.

(b) *Delivery or acceptance of scrap, copper clad steel scrap or alloy ingots.* Notwithstanding any preference rating, no person shall deliver or accept the delivery of any scrap, copper clad steel scrap or alloy ingots except in accordance with the following directions:

(1) Brass mill scrap shall be delivered only to a scrap dealer or to a brass mill; a scrap dealer who accepts delivery of brass mill scrap shall in turn deliver such scrap only to a brass mill or another scrap dealer.

(2) No. 1 or No. 2 copper scrap shall be delivered only to a scrap dealer, or to a person specifically authorized by the Director General for Operations to receive deliveries of such quantities of No. 1 or No. 2 copper scrap.

(3) After January 1, 1943, copper clad steel scrap and unreloadable fired artillery cases, cartridge cases or bullet jackets, which have been manufactured from copper, copper-base alloys or copper clad steel, in excess of ten pounds shall be delivered only to persons specifically authorized or directed by the Director General for Operations to receive such deliveries.

(4) Scrap other than that specified in paragraphs (b) (1) through (3) above shall be delivered only to a scrap dealer, or to a person specifically authorized by the Director General for Operations to receive deliveries of such quantities of scrap.

(5) Alloy ingots shall be delivered only to a person specifically authorized by the Director General for Operations to receive deliveries of such quantities of alloy ingots.

(6) No person shall accept delivery of alloy ingots, copper clad steel scrap or unreloadable fired artillery cases, cartridge cases or bullet jackets, which have been manufactured from copper, copper-base alloys or copper clad steel, in excess of ten (10) pounds, except as specifically authorized by the Director General for Operations.

(7) A person other than a brass mill or dealer shall accept a delivery of scrap, other than that specified in paragraph

(b) (6) above, only pursuant to a specific authorization of the Director General for Operations.

(8) A brass mill shall accept no delivery of scrap other than brass mill scrap without the specific authorization of the Director General for Operations.

(9) A scrap dealer shall accept delivery of scrap only if:

(i) Such scrap is not of a kind or grade specified in paragraph (b) (6) above, and

(ii) Such scrap dealer shall during the preceding 60 days, have sold or otherwise disposed of scrap to an amount at least equal in weight to the scrap inventory of such scrap dealer on the date of acceptance of delivery of scrap (which inventory shall exclude such delivery), and

(iii) Such scrap dealer shall have filed with the Bureau of Mines, College Park, Maryland, by the 10th of each month, Form PD-249, and

(iv) Such scrap dealer shall have supplied such other information as the Director General for Operations may from time to time require.

(c) *Melting or processing of scrap, copper clad steel scrap or alloy ingots.* (1) No person other than a brass mill shall melt or process scrap, copper clad steel scrap or alloy ingots, without the specific authorization of the Director General for Operations.

(2) No brass mill shall melt or process any scrap other than brass mill scrap, without the specific authorization of the Director General for Operations.

(3) Any person accepting a delivery of scrap, copper clad steel scrap or alloy ingots shall use such scrap, copper clad steel scrap or alloy ingots only for the purposes for which acceptance of such delivery is authorized by the Director General for Operations.

(d) *Delivery to or acceptance of copper by foundries and makers of alloy ingots.* Notwithstanding any preference rating, no person shall deliver any copper to a foundry or to a maker of alloy ingots, and no foundry or maker of alloy ingots shall accept any such delivery, except as specifically authorized by the Director General for Operations.

(e) *Authorization.*—(1) *Basis of authorization.* Authorization to receive deliveries of, melt or process copper, scrap, copper clad steel scrap, or alloy ingots will be given by the Director General for Operations to assure the satisfaction of the most essential war requirements.

(2) *Application for authorization.* (i) Any person desiring to obtain an authorization, pursuant to this order, to accept the delivery of, melt or process copper, alloy ingot, scrap or more than ten (10) pounds of unreloadable fired artillery cases, cartridge cases or bullet jackets which have been manufactured from copper or copper base alloys, should make application on Form PD-59, Copper Division, War Production Board, by the 5th of each month.

(ii) Any person applying for an authorization to accept delivery of copper clad steel scrap or more than ten (10) pounds of unreloadable fired artillery cases, cartridge cases or bullet jackets

which have been manufactured from copper clad steel must furnish the Director General for Operations with a letter setting forth the kind and grade of material, the tonnage, the period during which deliveries must be received, and the end use into which products produced out of such material will go.

(3) *Proof of authorization.*—(i) *Refined copper.* Any foundry or ingot maker authorized to purchase specified amounts of refined copper under the terms of an allocation certificate must submit the allocation certificate issued to him to his supplier at the time of placing his order. If the order is placed with a dealer, the allocation certificate must be surrendered to the dealer. If the order is placed with a refiner, the allocation certificate must be endorsed by the refiner, specifying the quantity of refined copper which the refiner will deliver.

(ii) *Alloy ingot, scrap or copper clad steel scrap.* Any person authorized to purchase specified amounts of alloy ingot, scrap or copper clad steel scrap may notify his supplier of his right to make a purchase by endorsing on, or attaching to, each contract or purchase order placed by him under the terms of the authorization, a certification in the following form signed by an official duly authorized for such purpose:

*Certification:* The undersigned purchaser hereby represents to the seller and to the War Production Board that he is entitled to purchase the items shown on this purchase order pursuant to Allocation Certificate, Serial No. ——— for the month of ——— and that receipt of these items, together with all other orders placed by him, will not result in his receiving more alloy ingot, scrap or copper clad steel scrap, than he has been authorized to receive for the month indicated by such purchase order pursuant to said Allocation Certificate.

Name of purchaser	Address
Signature and title of duly authorized official	Date

The person receiving the certification shall be entitled to rely on such certification unless he knows or has reason to believe it to be false. Each person supporting a purchase order by such a certification must maintain at his regular place of business all documents, including purchase orders and preference rating orders and certificates, upon which he relies as entitling him to make such purchases, segregated and available for inspection by representatives of the War Production Board, or filed in such manner that they can be readily segregated and made available for such inspection.

(f) *Disposal of scrap or copper clad steel scrap, generated through fabrication or accumulated through obsolescence.* No person shall use, melt, or dispose of any scrap or copper clad steel scrap generated in his plant through fabrication or accumulated in his operations through obsolescence, in any way other than by sale or delivery to a person authorized to accept such delivery, without the specific authorization of the Director General for Operations. In no event shall any person keep on hand more than thirty days' accumulation of scrap or

copper clad steel scrap unless such accumulation aggregates less than one ton. All persons generating scrap or copper clad steel scrap through fabrication or accumulating scrap or copper clad steel scrap through obsolescence, in excess of five hundred pounds in any calendar month, shall report on Form PD-226 on or before the 5th day of the following month, to the War Production Board, Ref: M-9-b, setting forth inventory of scrap and copper clad steel scrap at the beginning of the previous calendar month, accumulations and sales during such month, inventory at the end of such month and such other information as the Director General for Operations may request from time to time. Nothing herein contained shall prohibit any public utility from using in its own operations wire or cable which has become scrap by obsolescence provided the lengths of such wire or cable are in excess of five feet and the quantity of such material so used by such public utility in any calendar month does not exceed five tons or such other amount as the Director General for Operations may specifically authorize.

(g) *Toll agreement.* No person shall deliver scrap, copper clad steel scrap or alloy ingots and no person shall accept same for converting, remelting or other processing under any existing or future toll agreement, conversion agreement or other form of agreement by which title remains vested in the person delivering the scrap, copper clad steel scrap or alloy ingots or causing the scrap, copper clad steel scrap or alloy ingots to be delivered, or which agreement is contingent upon return of processed material in any quantities, equivalent or otherwise, to the person delivering or causing the scrap, copper clad steel scrap or alloy ingots to be delivered, unless and until such an agreement shall have been approved by the Director General for Operations. Any person desiring to have such an agreement approved must furnish the War Production Board a letter setting forth the names of the parties to such agreement, the material involved as to kind and grade, the form of same, the estimated tonnage involved, the estimated rate of delivery, the length of time such agreement or other similar agreement has been in force, the duration of the agreement, the purpose for which the processed material is to be used, and any other pertinent data that would justify such approval.

(h) *Restriction on acceptance of copper-base alloys or castings, including alloy ingots, made therefrom.* No person shall knowingly accept delivery of copper-base alloys or castings, including alloy ingots, made therefrom, which have been obtained by melting and processing scrap or copper clad steel scrap delivered to a melter or processor contrary to the provisions of this order.

(i) *Specific directions.* The Director General for Operations may from time to time issue specific directions to any person as to the source, destination, amount, or grade of scrap, copper clad steel scrap or alloy ingots to be delivered, acquired or used by such person.

(j) *Reports.* In addition to the reports specified in this order, each ingot

maker shall file by the 5th of each month, Form PD-751, Ingot Makers Report of Copper Base Alloy Ingot and each foundry shall file by the 5th of each month, Form PD-59-B, Copper Foundries: Monthly Report of Copper Base Alloy Ingot Inventory.

(k) *Violations.* Any person who willfully violates any provision of this order or who willfully furnishes false information to the Director General for Operations in connection with this order is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries or from processing or using material under priority control and may be deprived of priorities assistance.

(l) *Addressing of communications.* All applications, statements, or other communications filed pursuant to this order or concerning the subject matter hereof, should be addressed Copper Division, War Production Board, Ref: M-9-b, Washington, D. C.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 23d day of December 1942.

ERNEST KANZLER,

Director General for Operations.

[F. R. Doc. 42-13785; Filed, December 23, 1942; 11:30 a. m.]

#### PART 965—IRON AND STEEL SCRAP

[Supplementary Order M-24-d]

##### USED COTTON BALE TIES

§ 965.5 *Supplementary Order M-24-d.* Pursuant to the provisions of General Preference Order M-24, It is hereby ordered:

(a) *Additional definition.* "Used cotton bale ties" means strip steel ties which have been used to bale cotton.

(b) *Restrictions on deliveries.* No cotton spinner, cotton ginner, cotton linter processor, or cotton compressor shall deliver any used cotton bale ties over two feet in length, and in suitable condition for re-use or reworking for re-use as cotton bale ties, from any plant located in any of the states listed in Schedule A, except for re-use in baling cotton, cotton waste, cotton textiles, or cotton linters, or to or for the account of a person engaged in reworking such bale ties for such re-use.

(c) *Effective date.* This order shall become effective on January 1, 1943.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 23d day of December 1942.

ERNEST KANZLER,

Director General for Operations.

#### SCHEDULE A

Alabama.  
Arkansas.  
Florida.  
Georgia.  
Louisiana.  
Mississippi.

North Carolina.  
Oklahoma.  
South Carolina.  
Tennessee.  
Texas.  
Virginia.

[F. R. Doc. 42-13784; Filed, December 23, 1942; 11:30 a. m.]

#### PART 1114—TIRE RETREADING, RECAPPING AND REPAIR EQUIPMENT

[General Limitation Order L-61, as Amended December 23, 1942]

Whereas the shortage of crude rubber for military requirements and essential civilian uses has created an abnormal demand for retreading and recapping equipment for rubber tires; and

Whereas the supply of existing retreading and recapping equipment, if supplemented by careful selection of locations for small quantities of additional equipment, is adequate to satisfy the demand for retreading and recapping of rubber tires; and

Whereas the production for delivery of retreading and recapping equipment, if unregulated, will duplicate existing facilities and thus utilize quantities of scarce and critical materials as to which defense requirements have created a shortage for defense, private account and export, and it is necessary, in the public interest and to promote defense of the United States, to take the measures hereinafter set forth, and to regulate the production and delivery of retreading and recapping equipment.

Now, therefore, it is hereby ordered, That:

§ 1114.1 *General Limitation Order L-61—(a) Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or any organized group of persons, whether incorporated or not.

(2) "Retreading, recapping and repair equipment" means any mechanical device used in connection with applying uncured rubber (in the form of camelback, patching rubber or otherwise) to rubber casings or inner tubes for the purpose of renewing or repairing a rubber casing or inner tube. The term includes, but is not limited to, full circle molds, full circle matrices, holders, tables, steam chambers, kettle curing devices, curing rings, curing bands, pressure plates, spacer rings, curing rims, sectional molds, sectional matrices, tire and tube repair and spot equipment, tire spreaders, tire buffers, mechanical stitchers, mechanical rollers, and regroovers. It does not include, however, small tools, such as knives, hand rollers, hand stitchers, jacks, shears, and other miscellaneous shop tools and supplies.

(b) *Restrictions on manufacture and distribution.* No person shall produce any new retreading, recapping and repair equipment, or parts therefor, and no person shall sell, lease, rent, deliver or otherwise transfer, or purchase, accept

or otherwise acquire, any new or used retreading, recapping or repair equipment, or parts therefor; except (i) under purchase orders rated A-9 or higher on a preference rating certificate PD-1A, PD-1X or PD-200, or forms of the PD-408 series, issued by the Director General for Operations, or (ii) pursuant to written or telegraphic authorization of the Director General for Operations.

(c) *Criteria for issuing preference rating certificates.* In issuing ratings on preference rating certificates, the Director General for Operations will consider the following factors, to the extent feasible, among others:

(1) The number and capacity of retreading, recapping and repair equipment facilities at present available in the particular locality.

(2) The anticipated need for retreading, recapping and repair equipment in the particular locality.

(3) The amount of uncured rubber (in the form of camelback, patching rubber or otherwise) expected to be made available in the particular locality.

(d) *Exceptions with respect to small equipment and repair or maintenance of existing equipment.* The prohibitions of paragraph (b) hereof shall not apply to the manufacture, sale, lease, loan, renting, delivery, transfer, purchase, acceptance or acquisition of:

(i) Any item of tube repair or spot equipment having a retail value of \$100 or less, or any tire spreader having a retail value of \$25 or less; provided that no person shall, for the purpose of qualifying under this exception, divide a single order, or place separate orders when in the usual course of business he would have placed a single order.

(ii) Parts to be used to repair or maintain existing retreading, recapping or repair equipment or to repair or maintain equipment delivered in accordance with the provisions of this General Limitation Order No. L-61.

(e) *Production requirements plan.* Pursuant to paragraph (c) of Priorities Regulation No. 11, any person manufacturing retreading, recapping, or repair equipment, who desires priorities assistance in procuring materials to be used in such manufacture, is hereby required, unless exempted by the Director General for Operations, to file a PRP application, to qualify as a PRP unit, and to operate under the Production Requirements Plan after January 1, 1943.

(f) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time, except that notwithstanding the provisions of Priorities Regulation No. 3, any person applying or extending a preference rating for retreading, recapping, or repair equipment shall certify on his purchase order or contract whether the preference rating is one assigned by a prefer-

ence rating certificate PD-1A or PD-1X, or by a form of the PD-408 series, issued by the Director General for Operations.

(g) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C., Ref: L-61.

(h) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal to the Director General for Operations, Washington, D. C., Ref: L-61, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(i) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(j) *Records.* Each manufacturer or distributor of new retreading, recapping and repair equipment affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventory, production and sales of such equipment.

(k) *Reports.* Each person affected by this order shall execute and file with the War Production Board, such reports and answers to questionnaires as the Board shall from time to time request.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 23d day of December 1942.

ERNEST KANZLER,  
Director General for Operations.

[F.R. Doc. 42-13787; Filed, December 23, 1942;  
11:31 a. m.]

#### PART 3031—WALL PAPER

[General Limitation Order L-177 as Amended  
Dec. 23, 1942]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply for defense, for private account and for export, of paper, inks, chemicals and other material and facilities used in the manufacture and distribution of wall paper and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3031.1 *General Limitation Order L-177—(a) Applicability of priorities regulations.* This order (and any sched-

ule pursuant thereto) and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board as amended from time to time.

(b) *Definitions.* For the purposes of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, or organized group of persons, whether incorporated or not.

(2) "Manufacturer" means any person who manufactures or processes wall paper.

(3) "Wall paper" shall include all paper designed for use as a covering for the ceiling or walls of rooms, which is manufactured or produced by printing on paper or fabric with oil, water, or other coloring materials, and/or by the embossing or pressing of designs on paper.

(4) "Distributor" shall include any person who sells wall paper to any person for resale; and shall further include any person who offers wall paper for sale by means of the distribution of sample books to the ultimate consumer by mail, or otherwise.

(c) *Schedule for the simplification and standardization of wall paper.* (1) No person shall sell, deliver, purchase or otherwise acquire any base paper stock for the manufacture of wall paper unless the same shall conform to the specifications set forth in Schedule 1 which is made a part of this order.

(2) No person shall process or manufacture any base paper stock into wall paper except in conformity with the specifications set forth in said Schedule 1.

(d) *Amendments to schedule.* The Director General for Operations from time to time may issue such amendment or amendments to Schedule 1 of this order as he deems necessary.

(e) *Reports.* Each manufacturer and distributor shall file such reports as may be required from time to time by the Director General for Operations.

(f) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning their manufacture, processing and/or distribution of wall paper.

(g) *Appeals.* Any person affected by this order or any schedule issued pursuant thereto who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared to the amount of materials conserved or that compliance with this order or such schedule would disrupt or impair a program of conversion from non-defense to defense work, may apply for relief by addressing a letter to the War Production Board setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(h) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications

concerning this order, shall unless otherwise directed, be addressed to: War Production Board, Printing and Publishing Branch, Washington, D. C., Ref.: L-177.

(1) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries, or from process or use, of material under priority control and may be deprived of priorities assistance.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 23d day of December 1942.

ERNEST KANZLER,  
Director General for Operations.

SCHEDULE 1 TO GENERAL LIMITATION ORDER  
L-177<sup>1</sup>

SPECIFICATIONS AND PRACTICES FOR MANUFACTURE OF WALL PAPER

(a) *Definitions.* For the purposes of this schedule:

(1) All trade words, phrases and terms used herein shall be construed as commonly understood in the wall paper trade.

(b) *General limitations on wall paper manufacture—(1) Patterns.* New wall paper patterns (those not previously used in production by any manufacturer), shall be limited to 60% of the total number of patterns employed in the 1941-1942 lines of each manufacturer

(2) *Paper limitations.* In the manufacture of wall paper for the 1942-43 season (July 1, 1942 to June 30, 1943), no manufacturer shall:

(1) Purchase or otherwise acquire, process, or manufacture base paper stock into wall paper (excepting the period July 1, 1942 to November 13, 1942) during the period November 13, 1942 to January 15, 1943, at any rate of production which will result in a consumption of base paper stock in excess of 64% of the total tonnage of such stock consumed by him in the production of wall paper during the period November 13, 1941 to January 15, 1942; from January 15, 1943 to June 30, 1943 at any rate of production which will result in a consumption of base paper stock in excess of 50% of the total tonnage of such stock consumed by him in the production of wall paper during the period January 15, 1942 to June 30, 1942.

(11) Exceed the 1941-42 percentage ratio of the usage of ground-wood free paper stock in relation to his total tonnage consumption of paper stock.

(111) Use paper stock which will exceed 19 1/4" in width to trim to 18".

(1v) Use paper stock in excess of base weight of paper stock theretofore employed by him in the manufacture of his line.

(3) *Exception.* All paper stock acquired prior to the date of this order, and in the possession of the manufacturer on said date, is specifically excepted from the provisions of subdivisions (11), (111) and (1v) of paragraph (b) (2).

(c) *Styles sampled.* All manufacturers and distributors of wall paper shall reduce the number of styles in their 1942-1943 line or lines of sidewall and ceiling wall paper (including specials) in accordance with the following schedule of percentage reductions:

Number of styles of sidewall and ceiling wall paper samples in the 1941-1942 line or lines (including all specials)		Required percentage reduction of styles to be sampled in the 1942-1943 line or lines (including all specials)
By manufacturers	By distributors	
First 400.....	First 200.....	10%
Next 200.....	Next 100.....	15%
Next 200.....	Next 100.....	20%
Next 200.....	Next 100.....	25%
All additional.....	All additional.....	30%

*Provided however,* That any manufacturer or distributor who reduced the number of styles of sidewall and ceiling wall paper sampled in his 1941-1942 line or lines (including specials) 25% or more from the number of such styles sampled in his 1940-1941 line or lines, may employ the average number of such styles sampled in his 1940-1941 and 1941-1942 line or lines as the base for computing the permissible number of styles to be sampled in his 1942-1943 line or lines, in accordance with the foregoing schedule of percentage reductions.

(d) *Sample books.* In his 1942-1943 line or lines, each manufacturer and/or distributor of wall paper may cut up only such total number of rolls of wall paper for the making of sample books, as results from a reduction of the total cut up for his 1941-1942 line or lines by the same percentage of overall reduction of the number of styles required by paragraph (c) hereof. *Provided however,* That such reduction in the number of rolls of wall paper shall not apply to books of selection, but no more than five (5) copies of any book of selection may be prepared.

(e) *Color usage.* (1) No manufacturer, in his 1942-1943 line or lines, shall exceed the following color limitations of red, green, blue and yellow colored grounds (including pad grounds and full chokes), whether organic or inorganic colors, set forth in "Munsell Book of Color, Abridged" (1929 edition).

Wall paper ground color class	Munsell hue designation	Minimum value permissible	Maximum chroma permissible
Rose red.....	7.5P-10RP	6	8
Orange red.....	2.5R-10R	6	8
Yellow.....	2.5YR-10Y	8	6
Green.....	2.5G-10GB	7	4
Blue.....	2.5B-5.0P	5	5

(2) In his 1942-1943 line or lines, each manufacturer may produce only such total number of styles in each classification of colored grounds (set forth in subparagraph (1) of this paragraph (e)) as results from a reduction of the total produced in his 1941-1942 line or lines by the same percentage of overall reduction of the number of styles required by paragraph (c) hereof.

(3) *Metallic inks.* No manufacturer may use any aluminum or bronze powder, paste, ink or leaf in the manufacture of wall paper for his 1942-1943 line or lines. *Provided, however,* That this provision shall not operate to prevent any person from disposing of inventories of such processed wall paper from his 1941-1942 line or lines.

[F. R. Doc. 42-13786; Filed, December 23, 1942; 11:30 a. m.]

Chapter XI—Office of Price Administration

PART 1398—OFFICE AND STORE MACHINES  
[Ration Order 4A]

TYPEWRITERS

*Preamble.* New and used typewriters have been rationed by the Office of Price Administration since March 12, 1942, under the provisions of Rationing Order No. 4 or Revised Rationing Order No. 4. Under those Orders, persons showing need for typewriters for certain eligible work were authorized to buy typewriters in exchange for Certificates issued by War Price and Rationing Boards. Rentals of used typewriters were freely permitted, until August 29, 1942, when Amendment No. 4 limited the rental of non-portable typewriters made since 1934 to persons eligible to buy them.

However, sales and rentals of non-portable typewriters made since 1934 were frozen by Amendment No. 7 to Revised Rationing Order No. 4, to save these machines for the Army, Navy, and other war agencies. The same amendment froze the sale of non-portables made between 1915 and 1934, inclusive, and of some portables, so as to save these machines for rental by the public.

Members of the trade have in stock about 235,000 non-portable typewriters made between 1915 and 1934, inclusive, fully a third of them made prior to 1928. The needs of the public must be met principally from this stock. As against this supply, there has been a normal rental demand for about 150,000 machines. This demand is expected to increase substantially.

To assure a supply of the more recent models of typewriters for work essential to the prosecution of the war it is necessary to ration the rental of these machines. To do so, Ration Order No. 4A is issued to replace Revised Rationing Order No. 4.

Under the new program, typewriters are classified into four classes: A, B, C, and D. These classes are set up by make, model, and serial number. Some Class A, B, and C typewriters are also classed as "Special" typewriters. In general, the classes are as follows:

*Class A.* Standard makes and models of non-portable typewriters made after 1934 (both new and used), and of new portable typewriters made after June 1941.

*Class B.* Standard makes and models of non-portable typewriters made between 1928 and 1934, inclusive; also, certain special machines of later manufacture not included in Class A.

*Class C.* Standard makes and models of non-portable typewriters made between 1915 and 1927, inclusive; also, all portable typewriters, not included in Class A, having two or more of the following features: (1) tilting or folding paper table; (2) self-starter or paragraph key; (3) operator touch adjustment.

*Class D.* All typewriters not included in Classes A, B, or C.

*Special.* Class A typewriters which have been rejected for purchase by the Procurement Division of the Treasury Department, and other typewriters of

<sup>1</sup> As amended Dec. 23, 1942.

Classes A, B, or C which, because of some special type or feature, are usable primarily for special purposes.

In general, Class A, B, and C typewriters may not be sold, and Class A typewriters may not be rented, except to dealers or the Procurement Division of the Treasury Department or for authorized export. Class B typewriters may be rented for a limited period of time on Certificates issued by War Price and Rationing Boards to persons who have need for typewriters for work essential to the prosecution of the war. Class C typewriters may be rented for a limited period of time without certificates. Class D typewriters may be rented or sold without restriction. Special typewriters may be sold or rented in exchange for certificates issued by the Washington Office of the Office of Price Administration.

Eligible persons who, before December 1, 1942, were given written authority to buy or rent typewriters are permitted to acquire them at any time before January 1, 1943. Also, until February 1, 1943 rentals of Class B typewriters may be made without certificates for the balance of such period. Valid rentals in force on the date of this order may be continued until the end of the contract rental period. All rentals of typewriters, except of Class D typewriters, must be subject to recovery upon further order of the Office of Price Administration.

In order that dealers, wholesalers, and manufacturers may get a stock of typewriters, used typewriters and new typewriters released by the War Production Board are permitted to be acquired by them without the surrender of certificates if they keep records and file reports required of them.

Since certificates are not used by dealers for replacement purposes, dealers who receive certificates from customers are required to retain one copy and forward a duplicate, containing a report of the transaction, to the Office of Price Administration as directed on the certificate.

Accordingly, pursuant to the authority vested in the Office of Price Administration and the Price Administrator by Executive Order Nos. 9125 and 9250 issued by the President on April 7, 1942, and October 3, 1942, respectively; by Directive No. 1, Supplementary Directive No. 1D, and Conversion Order No. L-54-a of the War Production Board, issued January 24, 1942, March 5, 1942, and March 17, 1942, respectively, *It is hereby ordered that:*

#### SUBPART A—HOW TO GET A TYPEWRITER

##### ACQUIRING TYPEWRITERS WITH CERTIFICATES

- Sec.  
1398.101 Certificate is needed to get a typewriter.  
1398.102 Boards issue certificates to rent Class B typewriters.

No 251—2

- Sec.  
1398.103 National Office issues certificates for special typewriters.  
1398.104 Certificates will not be issued for other typewriters.  
1398.105 Person who needs typewriter for essential work may get a certificate.  
1398.106 Application made to Board where typewriter will be used.  
1398.107 Application made on Form R-401 (Revised).  
1398.108 Appearance by applicant not usually required.  
1398.109 Contents of certificate.  
1398.110 Rental period may not exceed six months.  
1398.111 Invalid certificate.  
1398.112 Purchase permitted on certificate issued under former Order.

##### ACQUIRING TYPEWRITERS WITHOUT CERTIFICATE

- 1398.114 Certificate-free rental of Class B typewriters permitted until February 1, 1943.  
1398.115 Class C typewriters may be rented without certificate.  
1398.116 Class D typewriters not restricted.  
1398.117 Typewriters may be used by employees and others.  
1398.118 Typewriter may be acquired from a person owning only one typewriter.  
1398.119 Typewriter may be acquired as part of assets of business.  
1398.120 Rental of Class B typewriters for Civil Service examinations permitted.  
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##### SUBPART B—HOW THIS ORDER AFFECTS THE TRADE

- 1398.124 Members of trade may acquire typewriters.  
1398.125 Transfer on invalid certificates not permitted.  
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1398.132 Records must be kept.  
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1398.134 Report must be filed for new businesses.  
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##### SUBPART C—GENERAL PROVISIONS

###### OTHER TRANSFERS PERMITTED

- 1398.137 Transfers between government agencies permitted.  
1398.138 Procurement Division of Treasury Department may acquire used typewriters.  
1398.139 Transfer of new typewriters for export or to government agency exempt.  
1398.140 Transfer to carriers and warehouses permitted.  
1398.141 Transfer by operation of law or for security permitted.  
1398.142 Transfer of damaged, lost, or stolen typewriters permitted.

##### REQUIRED ACTS RELATING TO TYPEWRITERS AND CERTIFICATES

- Sec.  
1398.144 All transfers prohibited unless authorized.  
1398.145 Certificates generally not transferable.

##### JURISDICTION OF BOARDS

- 1398.146 Jurisdiction of Boards with respect to trade.

##### APPEALS AND SUSPENSION ORDERS

- 1398.147 Persons affected may appeal.  
1398.148 Violators may lose right to rationed products.

##### DEFINITIONS AND CLASSES OF TYPEWRITERS

- 1398.149 Terms explained.  
1398.150 Typewriters are Classed as A, B, C, D, and Special.

##### ORDER EFFECTIVE

- 1398.151 Revised Rationing Order No. 4 is revoked.  
1398.152 Effective date of order.

AUTHORITY: §§ 1393.101 to 1393.152, inclusive, issued under Pub. Law 671, 76th Cong., as amended by Pub. Laws 63, 567, 421, and 723, 77th Cong.; W. P. B. Directive No. 1, Supplementary Directive No. 1-D, Conversion Order No. L-54-a, 7 P. R. 562, 1792, 2130.

#### SUBPART A—HOW TO GET A TYPEWRITER

(This part contains all one must know to get a typewriter)

##### ACQUIRING TYPEWRITERS WITH CERTIFICATES

§ 1398.101 *Certificate is needed to get a typewriter.* A person who wishes to rent a Class B typewriter or acquire a special typewriter must first get a certificate and give it to the person from whom he is to get the typewriter. He may then acquire a typewriter of the class, and by the kind of transaction (rental or purchase), named on the certificate. As explained later, Class C typewriters may be rented and Class D typewriters may be acquired, without certificates. There also are a few other cases where certificates are not required. These cases are explained later. (Some words are used in this order with a special meaning. Examples are "typewriter", "transfer", "acquire", "certificate", and "person". These terms are fully explained in § 1393.149.)

§ 1398.102 *Boards issue certificates to rent Class B typewriters.* War Price and Rationing Boards may issue certificates to permit persons to rent Class B typewriters. Boards are not concerned with other classes of typewriters. Neither may they issue certificates to permit a person to buy a typewriter. (Class B typewriters are listed in § 1393.150 (b).)

§ 1398.103 *National office issues certificates for special typewriters.* The Office of Price Administration will issue certificates at its national office in Washington, D. C., to permit a person to ac-

quire a special typewriter. (Special typewriters are described in § 1398.150 (e).)

§ 1398.104 *Certificates will not be issued for other typewriters.* Certificates will not be issued to permit a person to acquire a typewriter except as stated above.

§ 1398.105 *Person who needs typewriter for essential work may get a certificate.* (a) A person who has need for a typewriter for work essential to the prosecution of the war may get a certificate. (However, this requirement may be waived by the national office as to special typewriters which are usable only by a small class of persons.)

(b) "Need" must be shown. It does not exist if, after getting a typewriter applied for, the applicant will own, possess, or control any serviceable typewriter, reasonably available for the purpose stated in his application, which is not used for business purposes an average of 24 hours or more per week. A typewriter is "serviceable" if it can be made so by reasonable repair.

§ 1398.106 *Application made to Board where typewriter will be used.* A person desiring to get a certificate to rent a Class B typewriter should apply to the Board serving the area where the typewriter will be used. The Office of Price Administration will announce when forms are available at Boards. Application may be made after that date. (Application by a government may be made to any Board within the area served by the government.)

§ 1398.107 *Application made on form R-401 (Revised).* (a) Application to a Board should be made on OPA Form R-401 (Revised). The form must be filled out in full, giving all the information required, and signed as directed on the form.

(b) Application for a special typewriter may be made to the national office of the Office of Price Administration by letter, signed by the applicant or his agent. The application should describe the particular typewriter desired and should give full information as to the applicant's need for it.

§ 1398.108 *Appearance by applicant not usually required.* An applicant may present his application in person, by mail, or by an agent. However, he may be required to furnish more information or proof in person, by witnesses, or in some other way.

§ 1398.109 *Contents of certificate.* (a) A certificate issued by a Board will contain the name of the applicant, the number of Class B typewriters which may be rented, the length of the period for which they may be rented, and other matters required in the certificate form. (b) Certificates to purchase or rent special

typewriters, issued by the National Office, will contain other information about the kind of typewriter and the terms of purchase or rental.

§ 1398.110 *Rental period may not exceed six months.* A certificate will be issued to permit the rental of a typewriter only for the shortest period for which the applicant will need it. The period may not be longer than six months.

§ 1398.111 *Invalid certificates.* (a) A certificate is not valid if it has erasures or changes in any part required to be completed by the issuing office or which for any reason fails to show any essential provision.

(b) A certificate may be used only within 30 days from the date it was issued.

§ 1398.112 *Purchase permitted on certificate issued under former order.* (a) A person may keep a typewriter on rental, or before January 1, 1943 may acquire a typewriter, for the purchase or rental of which a certificate or authorization had been issued to him under Revised Rationing Order No. 4 prior to December 1, 1942 if he was then eligible for the typewriter. A rental agreement permitted by this paragraph may be renewed from time to time, without further approval, but is subject to the recovery provision of § 1398.127 (a).

(b) Any person to whom the National Office of the Office of Price Administration issued an authorization to buy a special typewriter, under the terms of Revised Rationing Order No. 4, may buy the typewriter within 30 days from the date of the authorization.

#### ACQUIRING TYPEWRITERS WITHOUT CERTIFICATE

§ 1398.114 *Certificate-free rental of Class B typewriters permitted until February 1, 1943.* During the period to February 1, 1943, a Class B typewriter may be rented by, and to, any person for the balance of that period, without the surrender of a certificate. (The terms of the rental agreement are governed by § 1398.127.)

§ 1398.115 *Class C typewriters may be rented without certificate.* A Class C typewriter may be rented by, and to, any person, without the surrender of a certificate. (The length of the rental period, and the terms of the rental are governed by §§ 1398.126 and 1398.127.)

§ 1398.116 *Class D typewriters not restricted.* Any Class D typewriter may be transferred or acquired by any person, without restriction.

§ 1398.117 *Typewriters may be used by employees and others.* Any person who owns a typewriter for use may permit his employees or other persons to use it when there is no change of title or interest in the typewriter if no charge

is made or received. A certificate need not be given up in such a case.

§ 1398.118 *Typewriter may be acquired from person owning only one typewriter.* Any person may acquire a Class B or C typewriter for business purposes from a person owning only one typewriter. A certificate need not be given up in such case. However, a person who regularly deals in or repairs typewriters is not permitted to transfer typewriters under this section.

§ 1398.119 *Typewriter may be acquired as part of assets of business.* Any person who buys or otherwise acquires all or substantially all of the assets of any store, business, plant, or other enterprise, including the good will, may acquire any typewriters included among the assets, without giving up a certificate.

§ 1398.120 *Rental of Class B typewriters for Civil Service examinations permitted.* A Class B typewriter may be rented by, and to, any person for a period not to exceed three days for use in taking a Civil Service examination involving typing ability. A certificate need not be given up in this case.

§ 1398.121 *Used typewriters may be acquired for export.* Any person may acquire a used typewriter for export to a foreign country upon approval of the Board of Economic Warfare, within a quota assigned to it. No other approval is required. (The export of new typewriters is not subject to this order, as explained later.)

§ 1398.122 *Typewriters may be imported.* Any person may import into the United States or its Territories or Possessions a typewriter owned by him. For this purpose he may transfer it to, or acquire it from, the United States Collector of Customs, or his deputy, without the surrender of a certificate.

#### SUBPART B—HOW THIS ORDER AFFECTS THE TRADE

(This part should be read by anyone who sells, rents, or deals in typewriters)

§ 1398.124 *Members of trade may acquire typewriters.* Any person may transfer a typewriter to a dealer, wholesaler, or manufacturer, who may acquire it for a permissible transfer or for repair, without giving up a certificate.

§ 1398.125 *Transfer on invalid certificates not permitted.* No person may transfer a typewriter for a certificate which is invalid or which he knows, or has reason to believe, was acquired in violation of this order.

§ 1398.126 *Rental period is limited.* (a) A rental of a typewriter for which a certificate is given up may be made for the period stated on the certificate, but not longer.

(b) A rental of a Class A, B, or C typewriter made without the surrender of a certificate, when permitted by this order, may not be made for a period longer than six months and may be renewed or re-renewed only at the end of a rental period for an additional period of not to exceed six months.

§ 1398.127 *Rental must be subject to certain conditions—(a) Recovery.* Regardless of any agreement, whenever made, the rental or loan of a Class A, B, or C typewriter shall be revoked if the Office of Price Administration issues an order requiring its return.

(b) *Advance payment of rentals.* No person may charge or receive any rental fee in advance for a period longer than the rental period permitted by this order.

(c) *Deposits.* No person may charge or receive a deposit to secure the return of a typewriter in an amount which, plus any advance rental paid, is more than the maximum price for a sale of the typewriter at wholesale permitted by maximum price regulations of the Office of Price Administration.

(d) *Rental credit provisions.* No agreement for the rental of a Class A, B, or C typewriter may contain an option to buy the same or another typewriter, or to credit rentals, deposits, or other sums paid toward its purchase price. However, if a person should be permitted to buy a typewriter under this order, the seller may give him credit for rent paid by him for that or any other typewriter.

§ 1398.128 *Discrimination not permitted.* No dealer, wholesaler, or manufacturer shall discriminate, in renting Class B typewriters, among persons who have been issued certificates to permit them to rent typewriters.<sup>1</sup>

§ 1398.129 *Rented typewriter may be returned.* A person who has rented a typewriter to another may get it back without giving up a certificate.

§ 1398.130 *Transfer for repair and repair loans permitted.* Any person regularly engaged in the business of repairing typewriters may acquire a typewriter for repair and may return it without the surrender of a certificate. Also, without getting a certificate, he may loan a Class B typewriter for not more than 30 days to a person whose Class A or B typewriter he is repairing.

§ 1398.131 *Transfer of new typewriters by manufacturers.* This order does not apply to the transfer of a new typewriter by a manufacturer unless it has been released to the Office of Price Administration by the War Production Board for rationing.

<sup>1</sup> *Evidence of Discrimination.* The refusal of a dealer, wholesaler, or manufacturer to rent a Class B typewriter to a person who offers to surrender a valid certificate permitting him to rent a typewriter of that Class, to pay in cash the maximum rental fee and deposit which may be charged, and to transport the typewriter will be prima facie evidence of discrimination if the dealer, wholesaler, or manufacturer then owns and has in his possession a Class B typewriter which is not the subject of a valid agreement to sell or rent.

§ 1398.132 *Records must be kept.* For the information of the Office of Price Administration, every dealer, wholesaler, and manufacturer shall keep, for not less than two years, accurate and complete records of his supply, sales, rentals, and purchases of typewriters. He shall also keep all copies of forms which are or have been required to be kept by him by this order or by Revised Rationing Order No. 4. All records shall be made available for inspection by the Office of Price Administration.

§ 1398.133 *Reports must be made.* Persons affected by this order shall make such reports to the Office of Price Administration as it may, from time to time, require.

§ 1398.134 *Report must be filed for new business.* After the effective date of this order, every person desiring to become a dealer or wholesaler or to acquire the assets of a typewriter dealer or wholesaler as permitted by § 1398.119, shall first file a statement with the Board which will have jurisdiction over his place of business. A separate statement shall be filed for each place of business, stating: (1) the name under which the business will be conducted; (2) the name of the owner and, if a corporation or association, the names of the principal officers; (3) a list of all typewriters on hand; and (4) the time when and the person from whom each typewriter was acquired.

§ 1398.135 *Information about transfer must be entered on certificate.* Every person transferring a typewriter for a certificate must enter on the certificate the date of the transfer, the typewriter's make, model, and serial number and, in the case of a rental the expiration date, together with any other information the certificate form requires. He shall send one part of the certificate to the Office of Price Administration as directed on the certificate and shall keep the other.

#### SUBPART C—GENERAL PROVISIONS

(This part should be referred to when special problems arise)

##### OTHER TRANSFERS PERMITTED

§ 1398.137 *Transfers between government agencies permitted.* Any agency or department of a government may acquire a used typewriter from any other department or agency of such government, without giving up a certificate. As to departments and agencies of the United States, however, this provision is subject to orders of the Bureau of the Budget.

§ 1398.138 *Procurement Division of Treasury Department may acquire used typewriters.* The Procurement Division of the Treasury Department and any authorized agent may acquire used typewriters without giving up a certificate.

§ 1398.139 *Transfer of new typewriters for export or to Government agency exempt.* (a) This order does not apply to the acquisition of new typewriters by any agency of the United States or by any person for export to a foreign coun-

try. These cases are governed by the War Production Board.

(b) The term "agency of the United States" does not include: (1) privately operated plants or facilities financed or controlled by the Army, Navy, Defense Plant Corporation, or by any other agency of the United States; (2) plants or facilities operated on a cost-plus-fixed-fee basis.

§ 1398.140 *Transfers to carriers and warehouses permitted.* A typewriter may be transferred to or from a carrier in the course of its shipment and to or from a public warehouse in connection with its storage, without the surrender of a certificate.

§ 1398.141 *Transfer by operation of law, or for security permitted.*—(a) A typewriter may be acquired by, or a lien created thereon in favor of, the following persons and in the following cases without the surrender of a certificate: (1) Any person pursuant to judicial process or an order issued by a court of competent jurisdiction or by operation of law; (2) A Government or political subdivision or agency thereof in the enforcement or exercise against such typewriter of statutory rights or powers.

(b) A security interest in a typewriter, other than a pledge, may be created in favor of the following persons and in the following cases without the surrender of a certificate: (1) a Government or political subdivision or agency thereof; (2) any person duly licensed to engage in the business of making loans upon collateral and regulated in conducting such business by a State or the United States or by the government of a Territory or Possession of the United States; (3) any person where the security interest arises or is transferred with respect to all or substantially all the assets of a business enterprise.

(c) A typewriter or any interest therein or lien thereon acquired pursuant to paragraph (a) or (b) of this section may be returned to the person from whom it was acquired, or may be released, without the surrender of a certificate.

(d) Any person who has acquired a typewriter for security purposes or in whose favor a lien thereon has been created, under the authority of this section, or who holds a lien on or security interest in a typewriter created on or before March 6, 1942 may enforce the security, lien, or other interest in the manner provided by applicable laws. A typewriter so acquired by a person, unless by inheritance, may not be used by him and may be transferred only to a person expressly authorized by this order to buy the typewriter without giving up a certificate.

§ 1398.142 *Transfer of damaged, lost, or stolen typewriters permitted.*—(a) *Damaged or stolen typewriters.* Damaged or stolen typewriters and undamaged typewriters mingled therewith, and typewriters in imminent danger of being damaged or stolen, may be acquired by the following persons, without the giving up of certificates, for permissible transfer only: (1) Persons lawfully engaging in the insurance business, and common

or contract carriers in connection with the right of subrogation, or by virtue of the payment by them of any claim for damage to the typewriters; (2) persons performing public fire or safety functions, warehousemen, or persons engaged principally and primarily in the business of adjusting losses and selling, or reconditioning and selling, damaged commodities, who take possession of or receive them on the occurrence or imminence of casualties.

(b) *Subsequent transfer.* Transfer of the typewriters by any person included in paragraph (a) of this section may be made only to: (1) another person so included; (2) the person from whose custody the typewriter was taken; or (3) a dealer, wholesaler, or manufacturer.

(c) *Return of lost or stolen typewriter.* A lost or stolen typewriter may be returned, without the surrender of a certificate, to the owner or the person rightfully in possession of it at the time of the loss or theft.

#### PROHIBITED ACTS RELATING TO TYPEWRITERS AND CERTIFICATES

§ 1398.144 *Transfer of typewriters prohibited.* (a) No person shall transfer or acquire a typewriter (or offer to do so) except in accordance with this order.

(b) No person who rents (or has rented) a typewriter may keep it after the end of the rental period except as authorized by this order.

(c) No person may keep a typewriter acquired by him in violation of this order or of Revised Rationing Order No. 4. He must return the typewriter to the person entitled to it or sell it to someone permitted to buy it under this Order, other than by § 1398.118

§ 1398.145 *Certificates generally not transferable.* No person shall use, possess, or transfer any Certificate except as permitted in this order.

#### JURISDICTION OF BOARDS

§ 1398.146 *Jurisdiction of Boards with respect to trade.* For the purposes of this order, each War Price and Rationing Board shall have jurisdiction over: (a) each place of business of a dealer or wholesaler located in the area served by the Board; and (b) each manufacturer (including all branches, outlets, and sales agencies of the manufacturer) whose principal business office is located within the area served by the Board.

#### APPEALS AND SUSPENSION ORDERS

§ 1398.147 *Persons may appeal.* Any person directly affected by the action of a Board, State Director, or Regional Administrator taken with respect to any matter before him under this Order may appeal from such action pursuant to Procedural Regulation No. 9.<sup>2</sup>

§ 1398.148 *Violators may lose right to rationed products.* Any person who violates this order may, by administrative suspension order, be prohibited from acquiring or transferring any typewriters or other rationed product for such period as in the judgment of the Administrator is

necessary or appropriate in the public interest and to promote national security.

#### DEFINITIONS AND CLASSES OF TYPEWRITERS

§ 1398.149 *Terms explained.* (a) When used in this order the term—

(1) "Acquire" means to accept a transfer.

(2) "Board" means a War Price and Rationing Board. If the context so indicates, the term refers to the specific War Price and Rationing Board having jurisdiction.

(3) "Certificate" means an evidence of authority to acquire a typewriter, issued under the authority of this order on OPA Form No. R-403 (Revised) or other form provided by the Office of Price Administration. When described as being issued under Revised Rationing Order No. 4, it refers to such an evidence issued on OPA Form No. R-403.

(4) "Convert to use" means to use a typewriter previously held for some purpose other than use, whether or not there is a change of ownership or possession.

(5) "Dealer" means any person, other than a manufacturer, regularly engaged in the business of selling or renting typewriters to ultimate users.

(6) "Manufacturer" means a person who, at any time on or after March 6, 1942, has operated a plant to build or assemble new typewriters.

(7) "New," as applied to a typewriter, means any typewriter which has never been delivered to any person who has acquired it for use. The term does not include repaired, rebuilt, or reconditioned typewriters

(8) "Non-portable typewriter" means any typewriter other than a portable typewriter.

(9) "Person" includes an individual, partnership, association, business trust, corporation, or any organized group of persons whether incorporated or not, and includes the United States or any agency thereof, and any other government or any political subdivision or agency thereof.

(10) "Portable typewriter" means any typewriter weighing less than 25 pounds.

(11) "Rental" includes lease, license, loan, or other hiring, with or without consideration.

(12) "Transfer" means convert to use, sell, lease, lend, trade, exchange, give, ship, deliver, physically transfer to another in any manner, or make any transaction involving a change in possession, right, title, or interest; when used as a noun the term means a conversion to use, sale, lease, loan, trade, gift, exchange, shipment, delivery, physical transfer to another in any manner, and any transaction involving a change in right, title, interest or possession.

(13) "Typewriter," unless expressly otherwise stated, includes non-portable typewriters (including noiseless and electric types) and portable typewriters. The terms does not include: continuous forms handling machines having carbon paper handling devices constructed as an integral part of the machine; shorthand writing machines; metal stencil or addressograph-plate cutting machines; telegraphically controlled typewriters;

Braille typewriters; toy typewriters; lino-type machines; or monotype machines.

(14) "Used", as applied to a typewriter, means any typewriter which at any time has been delivered to a person acquiring it for use.

(15) "Wholesaler" means any person, other than a manufacturer, regularly engaged in the business of selling typewriters to manufacturers, to other wholesalers, or to dealers.

(b) Words of the masculine gender shall also denote the feminine and neuter genders; words of the singular shall also denote the plural; and vice versa.

§ 1398.150 *Typewriters are classed as A, B, C, D, and Special.* For the purposes of this order, typewriters are classified as follows:

(a) *Class A.* All the following typewriters, except such typewriters as are equipped with type other than 10 or 12 pitch (letters to the inch), pica, or elite, or with special inbuilt features or attachments (other than 5, 6, or 10 key decimal tabulator mechanism) if such type or special feature or attachment was installed prior to March 6, 1942: (1) New or used nonportable typewriters of the following makes, models, and serial numbers: (In general, the typewriters of the serial numbers listed were manufactured on or after January 1, 1935.)

Makes	Models	Serial numbers
Electromatic.....	All.....	11,501 up.
Remington Standard.....	11 (Short Stroke).....	All.....
Remington Standard.....	12, 20, 30.....	Z 333,501 up.
Remington Standard.....	16.....	Z 479,001 up.
Remington Standard.....	17.....	All.....
Remington (or Monarch or Smith Premier) Standard.....	50, 60.....	W 131,501 up.
Remington (or Monarch or Smith Premier) Noiseless.....	6, 61.....	X 210,501 up.
Remington (or Smith Premier) Noiseless.....	10.....	X 332,501 up.
Royal.....	All.....	1,715,001 up.
L. O. Smith Standard and Silent.....	8, Super Speed.....	1,135,001 up.
Underwood Standard.....	All.....	4,309,001 up.
Underwood Noiseless.....	All.....	3,021,001 up.
Woodstock.....	5.....	400,001 up.

(2) Factory renumbered non-portable typewriters of the makes listed above which are equipped with inbuilt key-set tabulator mechanism, regardless of date of original manufacture.

(3) New portable typewriters of the following makes, models, and serial numbers: (In general, the typewriters of the serial numbers listed were manufactured on or after July 1, 1941.)

Makes	Models	Serial numbers
Corona.....	Silent.....	33 101,001 up.
	Sterling.....	3A 105,501 up.
	Standard.....	3C 232,001 up.
	Pacemaker.....	
	Sterling.....	1A 36553 up.
	Standard.....	1C 187462 up.
Remington (or Monarch or Smith Premier).....	Noiseless.....	N1, 140,001 up.
	Quiet No. 1.....	P1, 147,001 up.
	Deluxe No. 5.....	B 1,147,001 up.
Royal.....	A—Deluxe.....	1,042,501 up.
	B—Aristocrat.....	1,042,501 up.
	C—Arrow.....	1,042,501 up.
Underwood.....	Noiseless.....	1,327,001 up.
	Champion.....	1,341,501 up.
	Universal.....	1,341,501 up.

(b) *Class B.* All new or used non-portable typewriters of the following makes, models, and serial numbers, ex-

<sup>2</sup> 7 F.R. 8796.

cept such typewriters as are included in Class A: (In general, the typewriters of the serial numbers listed were manufactured after January 1, 1928. Thus, Class B generally includes typewriters manu-

factured between January 1, 1923 and December 31, 1934, inclusive, and typewriters manufactured after that period which are excluded from Class A because of type, pitch, feature, or attachment.)

Makes	Models	Serial numbers
Burroughs.....	All.....	All.
Electromatic.....	All.....	All.
Remington Standard.....	11 (Short Stroke).....	All (including factory renumbered).
Remington (or Monarch or Smith Premier) Standard.....	12, 20, 30.....	Z 100,001 up; also two letter prefix—first letter L, X or B, first digit 8; also all-letter series; also factory renumbered ZR 300,000 up.
Remington Standard.....	16.....	Z 400,001 up; also factory renumbered ZR 600,000 up.
Remington Standard.....	17.....	All.
Remington (or Monarch or Smith Premier) Standard.....	50, 60.....	W 100,001 up; also factory renumbered WR 300,000 up.
Remington (or Monarch or Smith Premier) Noiseless.....	6, 61.....	X 100,001 up; also two letter prefix—first letter Q, first digit 8; also all-letter series; also factory renumbered prefix XR or RX 10,000 up.
Remington (or Smith Premier) Noiseless.....	10.....	X 300,001 up; also factory renumbered XR or RX 300,000 up.
Royal.....	All.....	1,125,001 up; also factory renumbered Y 40 and later series, SY, CSY, HY or KHY.
L. C. Smith.....	7.....	22,001 up.
L. C. Smith.....	8, Super Speed.....	770,001 up; also prefix RB or RC factory renumbered.
Underwood Standard.....	3/11", 12", 14", 16".....	710,001 up.
Underwood Standard.....	3/18", 20", 25".....	145,001 up.
Underwood Standard.....	4, 5.....	2,330,001 up.
Underwood Standard.....	6, S, Master.....	All.
Underwood Noiseless.....	All.....	All.
Woodstock.....	5.....	All (including factory renumbered).

(c) *Class C.* (1) All non-portable typewriters of the following makes, models, and serial numbers, except such typewriters as are included in Classes A or B:

(In general, the typewriters of the serial numbers listed were manufactured between January 1, 1915 and December 31, 1927, inclusive.)

Makes	Models	Serial numbers
Remington Standard.....	B.....	Two-letter prefix—first letter B; first digit 5, 6, 7, 8, or 9.
Remington Standard.....	L.....	Two-letter prefix—first letter L or B; first digit 0, 1, 2, 3, 4, 5, 6, or 7.
Monarch (or Smith Premier) Standard.....	3.....	First digit 5, 6, 7, 8, 9, 0, or 1.
Monarch (or Smith Premier) Standard.....	30.....	First digit 2, 3, 4, 5, 6, or 7.
Remington (or Monarch or Smith Premier) Noiseless.....	3, 4, 5.....	All.
Remington (or Monarch or Smith Premier) Noiseless.....	6, 61.....	Two-letter prefix—first letter Q; first digit 5, 6, or 7.
Royal.....	All.....	200,001 to 1,125,000; also factory renumbered Y prior to 40 series.
L. C. Smith.....	3/12".....	All.
L. C. Smith.....	3/14".....	22,001 up.
L. C. Smith.....	4.....	14,501 up.
L. C. Smith.....	5.....	241,501 up.
L. C. Smith.....	6.....	6,501 up.
L. C. Smith.....	7.....	To 22,000.
L. C. Smith.....	8.....	To 770,000; also prefix RA factory renumbered.
Underwood Standard.....	3/11", 12", 14", 16".....	123,001 to 710,000.
Underwood Standard.....	3/18", 20", 25".....	23,001 to 145,000.
Underwood Standard.....	4, 5.....	744,001 to 2,330,000.
Woodstock.....	All.....	To 177,000.

(2) All portable typewriters, not included in Class A, having two or more of the following three features: (i) self starter or paragraph key, (ii) tilting or folding paper-table, (iii) operator touch adjustment.

(d) *Class D.* All typewriters not included in Classes A, B, or C.

(e) *Special.* (1) Class A typewriters specifically rejected for purchase by the Procurement Division of the Treasury Department.

(2) Typewriters equipped with type other than 10 or 12 pitch (letters to the inch), pica, or elite, or with electric carriage return or special inbuilt features or attachments; including special typewriters which were ordered from a manufacturer prior to March 6, 1942 and which have been or are hereafter specifically allocated to the Office of Price Administration by the War Production Board for rationing.

#### ORDER EFFECTIVE

§ 1398.151 *Revised Rationing Order No. 4 is revoked.* Ration Order No. 4A takes the place of Revised Rationing Order No. 4, as amended, and §§ 1398.101 to 1398.112 are revoked, except that any violations which occurred, or rights or liabilities which arose before the effective date of this Order shall be governed by the Orders and their Amendments in effect at the time the violations occurred or the rights or liabilities arose.

§ 1398.152 *Effective date of order.* Ration Order No. 4A (§§ 1398.101 to 1398.152, inclusive) shall become effective at 12: 01 a. m. December 28, 1942.

Issued this 22d day of December 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-13757; Filed, December 22, 1942;  
4:17 p. m.]

#### PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 162, Amendment 4]

#### KRAFT WRAPPING PAPERS AND CERTAIN BAG PAPERS AND CERTAIN BAGS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.\* § 1347.306 is amended to read as set forth below:

§ 1347.306 *Export Sales; sales for export.* (a) As used in this section, the term:

(1) "Export sale" means any "export" or "export sale" as defined in § 1375.8, paragraph (a) (1) of the Revised Maximum Export Price Regulation.<sup>2</sup>

(2) "Sale for export" means any domestic sale prior to an "export sale", where the product is marked so as to indicate that it is to be exported and is intended for the export trade, or where the sale is made to a merchant or exporter who intends to export the product.

(3) "Normal port of export" means that port of exit in the continental United States from which a product manufactured by a particular mill would have customarily been shipped in export to a particular destination during the period July 1 to December 31, 1941, or a port to which a manufacturer customarily made deliveries for export during such period.

(4) "Emergency port" means the port of exit from which the product is actually shipped in export when the "normal port of export" is not available.

(b) The maximum price at which any person may make an export sale of the products covered by this Maximum Price Regulation No. 182 shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation issued by the Office of Price Administration on July 2, 1942, and any amendments thereto.

(c) The maximum at which any person may make a sale for export of the products covered by this Maximum Price Regulation No. 182 shall be not in excess of the sum of the following items:

(1) The manufacturer's maximum domestic price at the normal port of export of the mill at which the products were made; plus

(2) If and only if the products are to be exported from an emergency port, the amount of the extra freight involved in shipping to the emergency port, over and above the freight to the normal port.

§ 1347.314 *Effective dates of amendments.* \* \* \*

(e) Amendment No. 4 (§ 1347.306) to Maximum Price Regulation No. 182 shall become effective December 28, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup> 7 F.R. 5712, 6348, 7074, 8337, 8348, 9724.

<sup>2</sup> 7 F.R. 5059, 7242, 8323, 9000, 10530.

Issued this 22d day of December 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-13749; Filed, December 22, 1942;  
4:15 p. m.]

**PART 1347—PAPER, PAPER PRODUCTS, RAW  
MATERIALS FOR PAPER AND PAPER PROD-  
UCTS, PRINTING AND PUBLISHING**

[MPR 129,<sup>1</sup> Amendment 13]

**EXPORT SALES**

Waxed paper.  
Envelopes.  
Paper cups, paper containers and liquid tight  
containers.  
Sanitary closures and milk bottle caps.  
Drinking straws.  
Certain sulphate and certain sulphite papers.  
Certain tissue paper.  
Rope and jute papers.  
Technical papers.  
Gummed papers.  
Tags, pin tickets and marking machine  
tickets.  
Glazed and fancy papers.  
Resale book matches.  
Unprinted single weight crepe paper in  
folds.

A statement of the considerations in-  
volved in the issuance of this amendment  
has been issued simultaneously herewith  
and filed with the Division of the Federal  
Register.\* § 1347.17 is amended to read  
as set forth below:

§ 1347.17 *Export Sales; sales for ex-  
port.* (a) As used in this section, the  
term:

(1) "Export sale" means any "ex-  
port" or "export sale" as defined in  
§ 1375.8, paragraph (a) (1) of the Revised  
Maximum Export Price Regulation.<sup>2</sup>

(2) "Sale for export" means any do-  
mestic sale prior to an "export sale",  
where the product is marked so as to in-  
dicate that it is to be exported and is  
intended for the export trade, or where  
the sale is made to a merchant or ex-  
porter who intends to export the product.

(3) "Normal port of export" means  
that port of exit in the continental  
United States from which a product  
manufactured by a particular mill would  
have customarily been shipped in export  
to a particular destination during the  
period July 1 to December 31, 1941, or  
a port to which a manufacturer custo-  
marily made deliveries for export during  
such period.

(4) "Emergency port" means the port  
of exit from which the product is ac-  
tually shipped in export when the "nor-  
mal port of export" is not available.

(b) The maximum price at which any  
person may make an export sale of the  
products covered by this Maximum Price  
Regulation No. 129 shall be determined  
in accordance with the provisions of the  
Revised Maximum Export Price Regula-  
tion issued by the Office of Price Ad-  
ministration on July 2, 1942, and any  
amendments thereto.

\*Copies may be obtained from the Office of  
Price Administration.

<sup>1</sup> 7 F.R. 3178, 3242, 3482, 3554, 4176, 4668,  
5712, 5780, 5943, 7974, 8939, 8948, 9131, 9724,  
10152.

<sup>2</sup> 7 F.R. 5059, 7242, 8829, 9000, 10530.

(c) The maximum price at which any  
person may make a sale for export of the  
products covered by this Maximum Price  
Regulation No. 129 shall be not in excess  
of the sum of the following items:

(1) The manufacturer's maximum  
domestic price at the normal port of  
export of the mill at which the products  
were made; plus

(2) If and only if the products are to  
be exported from an emergency port, the  
amount of the extra freight involved in  
shipping to the emergency port, over and  
above the freight to the normal port.

§ 1347.25 *Effective dates of amend-  
ments.* \* \* \*

(m) Amendment No. 13 (§ 1347.17) to  
Maximum Price Regulation No. 129 shall  
become effective December 28, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O.  
9250, 7 F.R. 7871)

Issued this 22d day of December, 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-13752; Filed, December 22, 1942;  
4:15 p. m.]

**PART 1418—TERRITORIES AND POSSESSIONS**

[MPR 183,<sup>1</sup> Amendment 14]

**PUERTO RICO**

A statement of considerations involved  
in the issuance of this amendment has  
been issued simultaneously herewith and  
has been filed with the Division of the  
Federal Register.\*

Paragraph (k), Table XI, of § 1418.14  
is amended as set forth below:

§ 1418.14 *Tables of maximum prices.*  
\* \* \*

(k) *Table XI: Specific maximum prices  
for corn meal.*

	Sales to wholesalers (price per 95# bag)	Sales at wholesale (price per 95# bag)	Sales at retail (price per pound)
Corn meal	\$4.75	\$5.10	\$0.06

For sales of different quantities the  
maximum price shall be proportionately  
computed.

§ 1418.13a *Effective dates of amend-  
ments.* \* \* \*

(n) Amendment No. 14 (§ 1418.14 (k))  
to Maximum Price Regulation No. 183  
shall become effective December 27, 1942.  
(Pub. Laws 421 and 729, 77th Cong.; E.O.  
9250, 7 F.R. 7871)

Issued this 22d day of December 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-13755; Filed, December 22, 1942;  
4:16 p. m.]

<sup>1</sup> 7 F.R. 5620, 6744, 6659, 7454, 7843, 7945,  
8558, 8833, 8946, 9341, 9731, 9975, 10225, 10559.

**PART 1499—COMMODITIES AND SERVICES**  
[Order 186 Under § 1499.3 (b) of GMPR]

**DOW CHEMICAL COMPANY**

For the reasons set forth in an opinion  
issued simultaneously herewith, it is  
ordered:

§ 1499.1422 *Approval of maximum  
prices for sales of certain "Saran" prod-  
ucts by the Dow Chemical Company.*

(a) The maximum prices for sales of  
the products listed below by the Dow  
Chemical Company of Midland, Michi-  
gan, shall be the following, f. o. b. Mid-  
land, Michigan:

(1) "Saran" pipe, prices per foot in  
10-foot standard lengths. All lengths  
of 100 feet and more included in a single  
sale shall be added and the figure repre-  
senting the sum of such lengths shall  
be used to determine the applicable  
maximum price for such lengths.

**LIST PRICES**

Size	Less than 10'	11-99'	100-999'	1000' up
1/2"-----	\$1.36	\$0.92	\$0.72	\$0.63
3/4"-----	1.60	1.16	.96	.92
1"-----	2.00	1.56	1.36	1.32
1 1/4"-----	2.24	1.80	1.60	1.56
1 1/2"-----	2.54	2.20	2.00	1.96
2"-----	3.34	2.90	2.70	2.64

Maximum sales prices to consumers: List prices less  
50%.

Maximum sales prices to resellers: List prices less  
50%, less 15%.

Terms: Net cash, 30 days. Minimum charge per  
order: \$5.00 net.

(2) "Saran" thermoplastic flanges.

**LIST PRICES**

[Any quantity] \*      *Each*

1/2"-----	\$1.25
3/4"-----	1.40
1"-----	1.68
1 1/4"-----	1.84
1 1/2"-----	2.42
2"-----	3.12

Maximum sales prices to consumers: list  
prices less 50%.

Maximum sales prices to resellers: list  
prices less 50%, less 15%.

Terms: Net cash, 30 days. Minimum  
charge per order: \$5.00 net.

(3) "Saran" gasket holders.

	<i>Each</i>
Lots of less than 1,000-----	\$0.4089
Lots of 1,000, or more-----	.3808

Terms: Net cash, 30 days.

Minimum charge per order: \$5.00 net.

(4) "Saran" washers.

1 1/8" x 3/8" with 1/2" hole \$0.0596 each.

Terms: Net cash, 30 days.

Minimum charge per order: \$5.00 net.

(5) "Saran" thermoplastic tubes, bags  
or envelopes.

6 1/2 feet long, 23 to 25 inches circumference,  
0.015 inches approximate thickness, in quan-  
tities of 100 or over.

	Reinforced with 4 rein- forcements	Plata
Welded on one end and solvent de- graded-----	<i>Each</i> \$0.83	<i>Each</i> \$0.80
Welded on one end-----	.73	.65
Solvent degraded-----	.73	.65
Not welded or solvent degraded--	.63	.60

Terms: Net cash, 30 days.  
Minimum charge per order: \$5.00 net.

(b) This Order No. 186 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 186 (§ 1499.1422) shall become effective December 23, 1942. (Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of December 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-13756; Filed, December 22, 1942;  
4:16 p. m.]

PART 1499—COMMODITIES AND SERVICES  
[Order 187 Under § 1499.3 (b) of GMPR]

I. F. LAUCKS, INC.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1423 *Approval of maximum prices for sales of Phenol Formaldehyde Resin Adhesive, PF-4 by I. F. Laucks, Inc.* (a) I. F. Laucks, Incorporated, a corporation having its principal place of business in Seattle, Washington, may sell and deliver and any person may buy and receive Phenol Formaldehyde Resin Adhesive, PF-4 at prices no higher than the following: f. o. b. Seattle, Washington with freight equalized with Tacoma, Washington or Portland, Oregon.

	Per pound
Carload lots.....	\$0.16
l. c. l. lots.....	.1625

(b) All discounts, trade practices, and practices relating to the payment of shipping charges effective during March 1942, on sales by I. F. Laucks, Incorporated, of comparable products shall apply to the maximum prices set forth in paragraph (a).

(c) This Order No. 187 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 187 (§ 1499.1423) shall become effective December 23, 1942. (Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of December 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-13753; Filed, December 22, 1942;  
4:17 p. m.]

PART 1499—COMMODITIES AND SERVICES  
[Order 188 Under § 1499.3 (b) of GMPR]

MOLINE PAINT MFG. CO.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1424 *Approval of maximum prices for sales of Renew Sandpaper Cleaner by the Renew Division, Moline Paint Manufacturing Company.* (a) The Renew Division, Moline Paint Manufacturing Company, a partnership having its principal place of business in Moline, Illinois, may sell and deliver Renew Sandpaper Cleaner and any person may buy Renew Sandpaper Cleaner at prices

no higher than those set forth below, f. o. b. Moline, Illinois:

Size of container:	Per gallon
55 gallons or more.....	\$1.75
30 up to 55 gallons.....	2.25
10 up to 30 gallons.....	2.40
5 up to 10 gallons.....	2.50
Less than 5 gallons.....	2.75

(b) The maximum prices established in paragraph (a) shall include all charges for containers.

(c) The maximum prices established in paragraph (a) shall be reduced by one per cent for payment by the purchaser by the 10th day of the month following the month of delivery.

(d) This Order No. 188 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 188 (§ 1499.1424) shall become effective December 23, 1942. (Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of December 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-13750; Filed, December 22, 1942;  
4:16 p. m.]

PART 1499—COMMODITIES AND SERVICES  
[Order 1 Under § 1499.18 (c), as Amended,  
of GMPR]

SANTEE HEADING CORP.

For the reasons set forth in an opinion issued simultaneously herewith: *It is ordered:*

§ 1499.1501 *Adjustment of maximum prices for basket bottoms for perishable food containers manufactured and sold by the Santee Heading Corporation.* (a) The Santee Heading Corporation, Allendale, South Carolina, may sell and deliver, and any person may buy from that company, basket bottoms for perishable food containers at prices not higher than the following prices per 1,000 bottoms, f. o. b. cars, Allendale, South Carolina:

Diameter of heading:	Maximum price
$\frac{9}{16} \times 5\frac{1}{2}"$ .....	\$12.60
$\frac{9}{16} \times 6\frac{1}{4}"$ .....	13.25
$\frac{9}{16} \times 8"$ .....	15.25
$\frac{9}{16} \times 8\frac{1}{2}"$ .....	15.80
$\frac{9}{16} \times 9"$ .....	16.55
$\frac{5}{8} \times 9"$ .....	16.85
$\frac{9}{16} \times 10"$ .....	20.70

(b) All prayers of the applicant not granted herein are denied.

(c) This Order No. 1 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 1 (§ 1499.1501) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 1 (§ 1499.1501) shall become effective December 23, 1942.

(Pub. Laws Nos. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of December 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-13751; Filed, December 22, 1942;  
4:14 p. m.]

PART 1499—COMMODITIES AND SERVICES  
[Order 140 Under § 1499.18 (b) of GMPR]

PANT-EASE INFANT WEAR CO.

Order No. 140 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-1548.

For the reasons set forth in the opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1041 *Adjustment of maximum prices for knitted diapers manufactured by William G. McNair and Louise R. McNair, doing business under the assumed name of "Pant-ease Infant Wear Company".* (a) William G. McNair and Louise R. McNair, doing business as "Pant-ease Infant Wear Company" of Arcade, New York, may sell and deliver and any person may buy and receive from the "Pant-ease Infant Wear Company" the following commodities at prices not higher than those set forth below:

Description:	Price per dozen
Small-medium knitted diaper.....	\$1.49
Large knitted diaper.....	1.60

(b) The maximum prices set forth in paragraph (a) are subject to the following conditions:

(1) All discounts, trade practices and all practices relating to shipping and shipping charges in effect in March 1942, shall be applicable to such maximum prices.

(2) The garments shall be manufactured to the same standards of quality as were in effect in March, 1942.

(3) The "Pant-ease Infant Wear Company" shall mail to all wholesalers and retailers to whom said company shall sell these diapers, a notice reading as follows:

The Office of Price Administration has permitted us to raise our maximum price for sales to you of knitted diapers from \$1.35 to \$1.40 for the small-medium sizes and from \$1.55 to \$1.60 for the large sizes. This amount represents only that part of cost increases which we were unable to absorb and it was granted with the understanding that wholesale and retail prices would not be raised. The Office of Price Administration has not permitted you or any other seller to raise maximum prices for sales of these knitted diapers.

(c) All prayers of the application not granted herein are denied.

(d) This Order No. 140 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 140 (§ 1499.1041) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications for maximum prices established by § 1499.2 of the General Maximum Price Regulation.

(f) This Order No. 140 shall become effective December 23, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of December 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-13754; Filed, December 22, 1942;  
4:17 p. m.]

## TITLE 43—PUBLIC LANDS: INTERIOR

## Chapter I—General Land Office

## Subchapter S—Rights-of-Way

[Circular 1461a]

## PART 245—RIGHTS-OF-WAY OVER AND UPON PUBLIC LANDS AND RESERVATIONS OF THE UNITED STATES FOR ELECTRICAL PLANTS AND TRANSMISSION LINES

- Sec.  
 245.1 Statutory authority.  
 245.2 Effect of Federal Power Act.  
 245.3 National parks and monuments.  
 245.4 Jurisdiction over land.  
 245.5 Nature of rights-of-way authorized by statutes.  
 245.6 Unsurveyed lands.  
 245.7 Effect of permit.  
 245.8 Construction work in advance of permit; trespass.  
 245.9 Filing of application.  
 245.10 Priority rights.  
 245.11 When permit may be granted.  
 245.12 Termination of permit.  
 245.13 Words and phrases.  
 245.14 Rental charges.  
 245.15 Showing required of corporations.  
 245.16 Showing required of individuals or associations of individuals.  
 245.17 Evidence which must accompany application.  
 245.18 Power plants to be platted on maps.  
 245.19 Transmission lines.  
 245.20 Use of transmission lines.  
 245.21 Stipulations required as a condition to the approval of permit.  
 245.22 Change in plan of construction.  
 245.23 Extension of time for beginning or completing construction.  
 245.24 Transfer of permit.  
 245.25 Revocation of permit.  
 245.26 Abandonment of project.  
 245.27 Action on application.  
 245.28 Action on approved permit.  
 245.29 Regulations superseded.

AUTHORITY: §§ 245.1 to 245.29, inclusive, issued under 31 Stat. 790 and 36 Stat. 1253; 43 U.S.C. 959, 961; and R.S. 441, 5 U.S.C. 485.

§ 245.1 *Statutory authority.* The act of February 15, 1901 (31 Stat. 790; 43 U.S.C. 959), authorizes the Secretary of the Interior, under general regulations to be fixed by him, to permit the use of rights-of-way over and upon public lands and certain reservations of the United States for electrical plants, poles, and lines for the generation and distribution of electrical power, to the extent of the ground occupied by such electrical plants, and not to exceed fifty feet on each side of the marginal limits thereof, or not to exceed fifty feet on each side of the center line of such electrical lines and poles, by any citizen, association, or corporation of the United States, where it is intended by such to exercise the use permitted under said act.

The act of March 4, 1911 (36 Stat. 1253; 43 U.S.C. 961), authorizes the head of the department having jurisdiction over the lands, under such regulations as may be fixed by him to grant an easement for rights-of-way for a period not exceeding fifty years, over and across public lands and reservations of the United States, for electrical poles and lines for the transmission and distribution of electrical power, to the extent of twenty feet on each side of the center line of such electrical lines and poles, to any citizen, association, or corporation of the United States, where it is intended by such to exercise the use permitted under said act.

§ 245.2 *Effect of Federal Power Act.* The acts of February 15, 1901, and March 4, 1911, with respect to rights-of-way for power purposes over public lands, were repealed and superseded by the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended by sections 201 to 213 inclusive of the act of August 26, 1935 (49 Stat. 847; 16 U.S.C. 791-825r and Sup.), as to power projects for the generation and transmission of hydro-electric power, defined in section 3 (11) of the act, excepting distribution lines and rights-of-way over allotted Indian lands. All applications for rights-of-way for power plants or transmission lines, other than hydro-electric plants and main or primary hydro-electric power transmission lines should be made under the act of February 15, 1901, or the act of March 4, 1911, and §§ 245.1-245.29 of these regulations. Applications for hydro-electric power plant sites or rights-of-way for main or primary hydro-electric power transmission lines, excepting where the lands affected are allotted Indian lands, must be made to the Federal Power Commission, Washington, D. C., under the act of June 10, 1920, as amended.

§ 245.3 *National parks and monuments; effect of Act of March 3, 1921 (41 Stat. 1353).* The act of March 3, 1921, provides, inter alia:

That hereafter no permit, license, lease or authorization for dams, conduits, reservoirs, power houses, transmission lines, or other works for storage or carriage of water, or for the development, transmission or utilization of power within the limits as now constituted of any national park or national monument, shall be granted or made without specific authority of Congress, etc.

§ 245.4 *Jurisdiction over land.* Section 1 of the act of February 1, 1905 (33 Stat. 628; 16 U.S.C. 472), vested jurisdiction in the Department of Agriculture to pass upon all applications under the act of February 15, 1901, for permission to occupy and use lands in national forests. For the purpose of the act of March 4, 1911, national parks, Indian reservations, grazing districts, wildlife refuges, and reservations for water power sites, irrigation, classification of lands, or other purposes, created under the withdrawal act of June 25, 1910 (36 Stat. 847), are considered to be under the jurisdiction of the Department of the Interior; military reservations under the jurisdiction of the War Department; and reservations created for the special occupancy, use, or control of other departments under the jurisdiction of such departments, respectively. Therefore, when it is desired to obtain permission to use rights-of-way over lands under the jurisdiction or control of Federal Agencies other than the Interior Department, an application should be prepared in accordance with the regulations issued by such Agency or Department and the same submitted to the proper officer thereof.

§ 245.5 *Nature of rights-of-way authorized by statutes.* The Act of February 15, 1901, does not make a grant in the nature of an easement, but authorizes permission to use and occupy the land

for the purpose permitted only, revocable at any time. The act of March 4, 1911, authorizes the granting of easements for transmission lines for periods not to exceed 50 years, and follows closely in the accomplishment of its purpose the act of February 15, 1901. Neither of the acts gives any rights whatever to take from the public lands or reservations any material, earth, or stone for construction or other purposes.

§ 245.6 *Unsurveyed lands.* Permission may be given under the act of February 15, 1901, and the act of March 4, 1911, for rights-of-way over unsurveyed lands as well as surveyed lands.

§ 245.7 *Effect of permit.* Power permits issued by this Department allow the occupancy and use of Interior Department lands for the construction, maintenance, and operation of works that involve the use of valuable power resources or that involve the development, transmission, or use of power.

§ 245.8 *Construction in advance of permit; trespass.* Where construction of transmission lines or other project works is desired over and upon Interior Department lands in advance of the approval of a power permit, authority for such construction may in the discretion of the Secretary be granted by him upon a satisfactory showing of the necessity therefor, if found not incompatible with the public or Government interest, provided the applicant agrees to make full and prompt compliance with all requirements of the Department as conditions precedent to the approval of the power permit, and such construction is done at the applicant's own risk. Application for such authority should be filed with the officer of the Interior Department, having supervision of the lands affected, who will transmit the record with appropriate report and recommendation to the Secretary through the Division of Power.

Any occupancy or use of public lands, including reservations, national parks or monuments, without proper authority is trespass.

§ 245.9 *Filing of application.* All applications for occupancy or use of Interior Department lands for power purposes should be submitted in duplicate on form 1, which is made a part hereof,<sup>1</sup> and filed at the local land office of the land district in which the lands are situated. If the lands are situated in more than one district, the lands in both districts shall be embraced in one set of application papers, which shall be submitted in any one of such districts at the option of the applicant, who shall submit to the local land office in each other districts a print copy of the maps submitted to the local land office of the first district. If there is no local land office, the application should be filed with the Commissioner of the General Land Office, Washington, D. C. (See also, § 245.27.)

An application shall not be completed until every map or paper required by §§ 245.15-245.21 has been filed in the form prescribed.

<sup>1</sup> Filed as part of the original document.

§ 245.10 *Priority rights.* Priority of consideration of applications for power permits shall be initiated in the order of filing complete applications as prescribed in § 245.9. Priority shall be maintained, however, only in so far as the power projects are within the limits of the project works as shown in the application.

§ 245.11 *When permit may be granted.* Power permits will be issued or granted only in case it appears that the proposed development will be in general accord with the most beneficial utilization of the resources involved and consistent with the public interest. No power permit will be granted if the works to be constructed thereunder would in any way be incompatible with works operated or constructed or to be constructed by and under authority of the United States.

§ 245.12 *Termination of permit.* Unless otherwise specified in the permit, and unless sooner revoked by the Department, a power permit shall terminate at the expiration of 50 years from the date thereof. If, however, at any time not less than 2 nor more than 12 years prior to the termination of the permit, the permittee shall formally notify the Commissioner of the General Land Office, that he desires a new permit to occupy and use such lands as are occupied and used under the existing permit, and will comply with all then existing laws and regulations governing the occupancy and use of lands of the United States for power purposes, the existing permit will be considered as an application for such new permit.

§ 245.13 *Words and phrases.* The following terms, wherever used in §§ 245.1-245.28 of these regulations, shall have the meaning hereby in this section assigned to them, respectively, viz:

"Interior Department lands" means and includes any and all public lands, reservations and patented lands acquired by purchase, donation or otherwise by the United States, under the jurisdiction and control of the Department of the Interior.

"Permit" or "power permit" means any written authorization given by the Secretary for the use of Interior Department lands.

"Municipal purposes" means and includes all purposes within municipal powers as defined by the charter of the municipal corporation itself with the primary object of promoting the security, health, good government, or general convenience of its inhabitants.

"Power business" means the entire business of the applicant or permittee in the generation, distribution, and delivery of power by means of any one power system, together with all works and tangible property involved therein, including freeholds and leaseholds in real property.

"Power system" means all interconnected plants and works for the generation, distribution, and delivery of power.

"Power project" means a complete unit of power development, consisting of a power house, conduit, or conduits conducting water thereto, all storage or di-

verting or forebay reservoirs used in connection therewith, the transmission line delivering power therefrom, any other miscellaneous structures used in connection with said unit or any part thereof, and all lands the occupancy and use of which are necessary or appropriate in the development of power in said unit.

"Project works" mean the physical structures of a power project.

"Construction of the project works" means the actual construction of dams, water conduits, power houses, transmission lines, or some permanent structure necessary to the operation of the complete power project, and does not include surveys or the building of roads and trails, or the clearing of reservoir sites or other lands to be occupied, or the performance of any work preliminary to the actual construction of the permanent project works.

"Operation period" means the period covered by permit subsequent to the actual beginning of operation.

"Survey-construction period" means the period covered by permit prior to the operation period.

"Nominal stream flow" means the sum of (a) the natural flow available for 90 percent of the time, and (b) the increase in such natural flow for 90 percent of the time due to artificial means other than the project works.

"Project storage flow" means the estimated increase in nominal stream flow made practicable by the project works.

"Available stream flow" means the sum of nominal stream flow and project storage flow.

"Load factor" means the ratio of average power output to maximum power output.

"Total capacity of the power site" means the power estimated to be available for transmission, and is determined as the continued product of (1) the factor 0.08;<sup>2</sup> (2) the average gross head, in feet; (3) the available stream flow at the intake (in second-feet and in amount not to exceed the maximum hydraulic capacity of the project works); and (4) a factor, not less than the average load factor of the power system, representing the degree of practicable utilization of the available stream flow, and based on the extent of practicable fore-bay storage and the load factor of the power system.

"Net capacity of the power site" means the capacity on which the calculation of the compensation hereinafter required to be paid is based, and is determined by making a deduction from the total capacity of the power site which, in percent, shall be the product of the square of the distance of primary transmission in miles and the factor 0.001, but in no case shall such deduction exceed 10 percent.

§ 245.14 *Rental charges.* Unless otherwise ordered by the Secretary the occupancy and use of Interior Department lands under a power permit for power sites of more than 100 horsepower total

<sup>2</sup>The factor 0.08 represents the horsepower at 70 percent efficiency of a second-foot of water falling through a head of 1 foot.

capacity will be conditioned on the payment in advance for each calendar year of compensation calculated from the "net capacity of the power site", as defined in § 245.13, at not less than the following rates per horsepower per year:

For the unexpired portion of the calendar year and for the first full calendar year of the survey-construction period, and similarly for the operation period.....	\$0.01
For the second full calendar year of each of said periods.....	.02
For the third year.....	.03
For the fourth year.....	.04
For the fifth year.....	.05
For the sixth year.....	.06
For the seventh year.....	.07
For the eighth year.....	.08
For the ninth year.....	.09
For the tenth and each succeeding year.....	.10

The rates per horsepower per year will be ten times such minimum rates, however, unless good cause for fixing other rates appears. The compensation on account of a power permit will be calculated from the net capacity of the power site as estimated by the Secretary at the time of granting said permit: *Provided*, That said estimated net capacity may be adjusted by the Secretary annually to provide for changes in length of primary transmission, for increase or decrease, by storage or otherwise, of available stream flow to an amount of 10 percent or more, or for increase or decrease of 10 percent or more in average gross head, or in degree of practicable utilization.

(a) The charge for occupancy and use of Interior Department lands under a power permit for transmission lines shall be at the rate of five dollars (\$5) per mile or fraction thereof per annum, the minimum charge to be five dollars (\$5), and the charge for the use of such lands under a power permit for plants generating power by means of coal, oil, gas or other fuel shall be five dollars (\$5) per acre or fraction thereof per annum, the minimum charge to be five dollars (\$5).

(b) Except as to Indian lands, no rental charge will be required for the occupancy and use of Interior Department lands under a power permit authorizing such occupancy and use exclusively for municipal purposes, for irrigation, or Rural Electrification Administration cooperative projects. As to Indian lands, the imposition of the rental charge specified in this section shall be optional and not mandatory.

(c) Except as to Indian lands, the first rental payment shall be remitted with the application and shall be the compensation for a full year computed under the rates specified in this section, but any excess of said payment over the pro rata compensation for the unexpired portion of the calendar year in which the permit is issued will be credited to the permittee as part of his payment for the first full calendar year. The permittee shall annually, on or before the first day of February next following the close of each calendar year of the period for which right-of-way is authorized, deposit with the Register of the District Land Office, in cash, post office money order, bank draft, or check payable to the Treasurer of the United States, the

rental charges specified in the permit. If the permittee shall fail to pay the rental charges required, and such default shall continue for sixty days after the first day of February, the permit may be terminated. After default has occurred, no structures, buildings, or other equipment may be removed from the right-of-way except upon written permission first obtained from the Department of the Interior.

(d) At any time not less than 5 years after the issuance of a permit, or after the last revision of rates per year thereunder, the Secretary may review such rates and impose such new rates per year as he may decide to be reasonable and proper.

(e) All payments made under a power permit shall be deposited to the credit of the tribe or individual Indian entitled thereto in so far as Indian lands are affected and, except as otherwise provided by law, to the credit of the Treasurer of the United States in so far as any other Interior Department lands are affected.

§ 245.15 *Showing required of corporations.* Application by a private corporation must be accompanied with a copy of its charter or articles of incorporation, duly certified by the proper officers of the company under its corporate seal or by the secretary of the State where organized.

When a company is operating in a State other than that in which it is incorporated, it must submit the certificate of the proper officer of the State that it has complied with the laws of that State governing foreign corporations to the extent required to entitle the company to operate in such State.

A corporation other than a private corporation should file a copy of the law under which it was formed and due proof of organization under the same.

If the company shall have filed with the Department of the Interior the papers required by this section, the requirements shall be held to be met if, in making subsequent applications, specific reference is made by date and case number of such previous filing.

§ 245.16 *Showing required of individuals or associations of individuals.* Application by an individual must be accompanied with affidavit of citizenship if the applicant is native-born. If he is not a native-born citizen he must submit the usual proofs of naturalization. If the applicant is an association of citizens, each member must make affidavit of citizenship, and a complete list of the members must be given in an affidavit by one of them. Associations must, in addition, submit their articles of association; if there be none, the fact must be stated over the signature of each member of the association.

§ 245.17 *Evidence which must accompany application.* Each application for power permit must be accompanied with the following data:

(a) A map prepared on tracing linen, in duplicate, with two print copies showing the survey of the right-of-way or site properly located with respect to the public-land surveys so that said right-of-

way or site may be accurately located on the ground by any competent engineer or land surveyor. The map should comply with the following requirements:

The scale should be 2,000 feet to the inch for canals, ditches, pipe lines, and transmission lines, and 1,000 feet to the inch for reservoirs, except where a larger scale is required properly to represent the details of the proposed project, in which case the scales should be 1,000 feet to the inch and 500 feet to the inch, respectively.

Courses and distances of the center line of the right-of-way or traverse line of the reservoir should be given; the courses referred to the true meridian either by deflection from a line of known bearing or by independent observation, and the distance in feet and decimals thereof. Station numbers with plus distances at deflection points on the traverse line should be shown.

The initial and terminal points of the survey should be accurately connected by course and distance to the nearest corner of the public-land surveys, unless that corner is more than six miles distant, in which case the connection will be made to some prominent natural object or permanent monument, which can be readily recognized and recovered. The station number and plus distance to the point of intersection with a line of the public land surveys should be ascertained and noted, together with the course and distance along the section line to the nearest existing corner, at a sufficient number of points throughout the township to permit accurate platting of the relative position of the right-of-way to the public-land survey.

All subdivisions of the public-land surveys within the limits of the survey should be shown in their entirety, based upon the official subsisting plats with the subdivision, section, township, and range clearly marked.

The width of the canal or ditch, at highwater line should be given and if not of uniform width, the location and amount of the change must be definitely shown. In the case of a pipe line, the diameter should be given. For reservoirs, the capacity in acre-feet, the area within the highwater line, the source of the water supply, and the location and height of the dam must be shown.

Each copy of the map should bear upon its face an affidavit of the engineer who makes the survey and the certificate of the applicant (Form 2, which is made a part hereof).<sup>2</sup>

(b) A general map of the entire power project or transmission line on tracing linen, in duplicate, with two print copies, prepared on such a scale and in such a manner that each quarter section of land affected is clearly shown. If this information is shown on the map filed under § 245.17 (a), supra, the general map may be omitted.

(c) Evidence of water right, if the project involves the storage, diversion, or conveyance of water. Control and jurisdiction over the appropriation of water is vested in the State authorities. The applicant, therefore, must file evidence,

obtained from the proper State official, that he has the right to appropriate the water to be stored, diverted, or conveyed.

(d) When the application is for a permit for a power plant it must be accompanied with a statement giving a description of the proposed power plant including the number and capacity of prime movers and generators proposed to be installed, initially and ultimately, together with similar pertinent information about any substations included in the project and whether the power plant is to be interconnected with other generating facilities owned by the applicant or others. A statement as to whether the power generated is to be sold to others at wholesale or retail or used by the applicant for its own domestic, agricultural, or industrial purposes must also be furnished.

§ 245.18 *Power plants to be platted on map in main drawing and in separate drawing.* When application is made for a permit for power plants, the location and extent of ground proposed to be occupied by buildings, pipe lines, or other structures necessary to be used in connection therewith must be clearly designated on the map and described by reference to course and distance from a corner of the public survey. In addition to being shown in connection with the main drawing, the buildings or other structures must be platted on the map in a separate drawing on a scale sufficiently large to show clearly their dimensions and relative positions.

§ 245.19 *Transmission lines.* Application for a permit for transmission lines must be accompanied with:

(a) A description of the plant or plants which generate or will generate the power to be transmitted over such lines (hereinafter called "the connected generating plant", which term shall include all hydraulic, hydroelectric, and electric generating works), such description to be in sufficient detail to show, to the satisfaction of the Secretary of the Interior, the character, capacity, and location of such plant.

(b) A statement in detail to the Secretary of the Interior showing whether the connected generating plant is located, in whole or in part, on land owned or controlled by the United States, or on land not so owned and controlled, and whether any part of the connected generating plant or of the system of transmission and distribution in connection with such plant affects lands in reservations other than those under the jurisdiction of the Secretary of the Interior.

(c) A description of the transmission line of which the line for which a permit is requested forms a part, giving in reasonable detail the points between which it will extend, its characteristics and purpose, including the voltage for which it is designed and at which it is intended to be operated initially, and whether the line forms a part of the general transmission system of the applicant, and a statement as to whether it is to serve a single customer, or a number of customers, or is intended to transmit power solely for the applicant's own use. If the line is to serve a single customer or for applicant's own use, the nature of

<sup>2</sup> Filed as part of the original document.

such use must be given (such as airway beacon, coal mine, irrigation pump, etc.).

(d) A statement as to the distance from the nearest transmission or distribution lines of any other person, corporation, association, municipality, or other agency engaged in the sale of power, or a statement that there are no such lines existing or contemplated within 10 miles of any part of the transmission line of which the line for which a permit is requested forms a part.

§ 245.20 *Use of transmission lines.* Rights-of-way granted under §§ 245.1-245.29, for transmission lines shall not be used for the transmission of any power generated otherwise than by and at "the connected generating plant" as defined in § 245.19, until the Secretary of the Interior shall have given written authority, for such use and then only on the terms and conditions expressed in such written authority.

§ 245.21 *Stipulation required as a condition precedent to the approval of permit.* The applicant shall file with the application required under § 245.9 of these regulations, a duly executed stipulation expressly agreeing to accept the power permit subject to the following terms and conditions, to wit:

(a) To construct the project works on the location shown upon and in accordance with the maps and plans submitted with the application for permit, and to make no material deviation from said location unless and until maps and plans showing such deviation shall have been submitted and approved.

(b) To begin the construction of the project works, or the several parts thereof, within a specified period or periods from the date of execution of the permit, and thereafter diligently and continuously to prosecute such construction unless temporarily interrupted by climatic conditions or by some special or peculiar cause beyond the control of the permittee.

(c) To complete the construction and begin the operation of the project works, or the several parts thereof, within a specified period or periods from the date of execution of the permit. To furnish the Secretary with a statement, under oath, of the actual cost of construction of the project when completed.

(d) To operate the project works continuously for the development, transmission, and use of power, unless upon a full and satisfactory showing that such operation is prevented by unavoidable accidents or contingencies this requirement is temporarily waived by the written consent of the Secretary.

(e) To pay annually, in advance, such amounts as may be fixed and required by the Secretary under § 245.14.

(f) On demand of the Secretary to install at such places and maintain in good operating condition in such manner as shall be approved by the Secretary accurate meters, measuring weirs, gauges, or other devices approved by the Secretary and adequate for the determination of the amount of electric energy generated by the project works and of the flow of the stream or streams from which the water is to be diverted

for the operation of the project works and of the amount of water used in the operation of the project works and of the amounts of water held in and drawn from storage; to keep accurate and sufficient records of the foregoing determinations to the satisfaction of the Secretary; and to make a return during January of each year, under oath, of such of the records of measurements for the year ended on December 31, preceding, made by or in the possession of the permittee, as may be required by the Secretary.

(g) That the books and records of the permittee shall be open at all times to the inspection and examination of the Secretary, or other officer or agent of the United States duly authorized to make such inspection and examination.

(h) On demand of the Secretary to install a system of accounting for the entire power business in such form as the Secretary may prescribe, which system as far as is practicable will be uniform for all permittees, and to render annually such reports of the power business as the Secretary may direct.

(i) To protect in a workmanlike manner, at crossings of and at places in proximity to its transmission lines on the right-of-way authorized, in accordance with the rules prescribed in the National Electric Safety Code, all Government and other telephone, telegraph, and power-transmission lines from contact, and all highways and railroads from obstruction, and to maintain its transmission lines in such manner as not to menace life or property; and shall within a reasonable time following receipt of due notice from the Secretary of the Interior, modify the construction of or relocate the line covered by the permit without liability or expense to the United States, as may be necessary to allow use of the right-of-way by the United States for transmission line or other power purposes.

(j) To clear and keep clear the Interior Department lands along the transmission line for such width and in such manner as the officer of the United States having supervision of such lands may direct.

(k) To dispose of all brush, refuse, or unused timber on Interior Department lands resulting from the construction and maintenance of the project works to the satisfaction of the officer last aforesaid.

(l) To build and repair such roads and trails as may be destroyed or injured by construction work or flooding under the permit, and to build and maintain necessary and suitable crossings for all roads and trails that intersect the water conduit constructed, maintained, or operated under the permit.

(m) To do everything reasonably within the power of the permittee both independently and on request of the Secretary or other duly authorized officer or agent of the United States to prevent and suppress fires on or near the lands to be occupied under the permit.

(n) To notify promptly the officer of the United States (Regional Field Examiner, Chief Forester Oregon and Cali-

fornia Revested Lands Administration, or other proper officer), having supervision of such lands, of the amount of merchantable timber, if any, which will be cut, removed or destroyed in the construction and operation of the project works, and to deposit with such officer in advance of construction such sum of money as he may determine to be the full stumpage value of the timber to be so cut, removed or destroyed.

(o) To pay the United States full value for all damage to the lands or other property of the United States resulting from the breaking of or the overflowing, leaking, or seeping of water from the project works, and for all other damage to the lands or other property of the United States caused by the neglect of the permittee or of the employees, contractors, or employees of the contractors of the permittee.

(p) To indemnify the United States against any liability for damages to life or property arising from the occupancy or use of Interior Department lands by the permittee.

(q) To abide by such reasonable regulation of the service rendered and to be rendered by the permittee to consumers of power furnished or transmitted by the permittee, and of the prices to be paid therefor as may from time to time be prescribed by the State or any designated agency of the State in which the service is rendered: *Provided*, That for the purposes of this paragraph any such regulation shall be deemed to be suspended pending proceedings in the courts of such State, or in the Supreme Court of the United States on appeal from said State courts where such proceedings are in the nature of an appeal taken direct from the officer, commission, or board prescribing such regulation to said State courts.

(r) Upon demand in writing by the Secretary to surrender the permit to the United States or to transfer the same to such State or municipal corporation as he may designate, and to give, grant, bargain, sell, and transfer with the permit all works, equipment, structures, and property then owned or held by the permittee on lands of the United States occupied or used under the permit, and then valuable or serviceable in the generation, transmission, and distribution of power: *Provided*, (1) That such surrender or transfer shall be demanded only in case the United States or the transferee shall have first acquired such other works, equipment, structures, property and rights of the permittee as are dependent in whole or in essential part for their usefulness upon the continuance of the permit; (2) that such surrender or transfer shall be on condition precedent that the United States shall pay or the transferee shall first pay to the permittee the reasonable value of all such works, equipment, structures, and property to be surrendered or transferred; (3) that such reasonable value shall not include any sum for any permit, right, franchise, or property granted by any public authority in excess of the sum paid to such public authority as a purchase price therefor; and (4) that such reasonable value shall be determined by mutual agreement of the parties in interest,

and in case they cannot agree, by the Secretary under a rule, which, except as modified by the requirements of this paragraph, shall be the then existing rule of valuation for power properties in condemnation proceedings in the State in which the properties to be surrendered or transferred are located. But nothing herein shall prevent the United States or any State or municipal corporation from acquiring by any other lawful means the permit or the works, equipment, structures, or property than owned or held by the permittee on lands of the United States occupied or used under the permit.

(s) That in respect to the regulation by any competent public authority of the service to be rendered by the permittee or the price to be charged therefor, and in respect to any purchase or taking over of the properties or business of the permittee or any part thereof by the United States, or by any State within which the works are situated or business carried on in whole or in part, or by any municipal corporation in such State, no value whatsoever shall at any time be assigned to or claimed for the permit or for the occupancy or use of Interior Department lands thereunder, nor shall such permit or such occupancy and use ever be estimated or considered as property upon which the permittee shall be entitled to earn or receive any return, income, price, or compensation whatsoever.

(t) That any approval of any alteration or amendment, or of any map of plan, or of any extension of time shall affect only the portions specifically covered by such approval; and that no approval of any such alteration, amendment, or extension shall operate to alter or amend, or in any way whatsoever be a waiver of any other part, condition, or provision of the permit.

(u) To perform such other specified conditions with respect to the occupancy and use of lands within any military, Indian, or other reservation as may be found by the chief officer of the department under whose supervision such reservation falls to be necessary as conditions precedent to the issuance of the permit in order to render the same compatible with the public interest.

§ 245.22 *Change in location or plans of construction.* During the progress of construction, amendments to maps of location or plans of structures will be required from the permittee if there is a material deviation from the maps or plans as originally filed, but no amendment will be allowed that is incompatible with the occupancy and use of lands under existing permits or pending applications. Any approval of an amendment of a map or plan or of any extension of time shall be in the form of a supplemental agreement and permit so drawn as to become a part of the original agreement and permit and a substitute for the clauses amended. Any approval of any amendment of any map or plan shall apply only to the portions specifically covered by such approval, and no approval of any such amendment shall operate to amend or be in any way a waiver of any other part, condition, or provision of the permit.

If, after the completion of the project works, there are any deviations in location from those shown upon the original map or approved amendments thereof, additional maps prepared in the manner prescribed for original maps of location will be required to be filed within six months after the completion of the project works, showing the extent of such deviations and the final locations of such project works. Also upon the completion of the project works detailed working plans will be required of the works as constructed, except such parts as have been constructed in compliance with plans originally filed or approved amendments thereof. Such new or additional plans may be originals on tracing linen or Van Dyke negatives of the permittee's own working plans. The plans of conduits, dams, and appurtenant structures must be complete; of power houses, only general layout plans are required.

§ 245.23 *Extension of time for beginning or completing construction.* An extension of time for beginning or completing construction and for beginning operation will be granted only by written approval after submission of a satisfactory showing by the permittee to the effect that the beginning or completion of the construction and beginning of operation has been prevented by engineering difficulties that could not reasonably have been foreseen, or by other special and peculiar causes beyond the control of the permittee.

§ 245.24 *Transfer of permit.* A permit may be transferred to a new permittee only (1) by a court of competent jurisdiction under a decree of foreclosure to enforce a mortgage or deed of trust that shall have been given in good faith to secure capital for the power business as defined in § 245.13, embracing the works constructed or to be constructed under such permit, and without any intent to evade the restrictions upon transfers in this section hereafter set forth; or (2) upon the following conditions: The proposed transferee shall file with the Commissioner of the General Land Office, Washington, D. C., the decree, execution of judgment, will, proposed contract of sale, or other written instrument upon which the proposed transfer is based, or a properly certified copy thereof, also an application by the proposed transferee in the form of an agreement binding the proposed transferee to the performance of such new and additional conditions expressed therein as the Secretary may deem necessary; and thereupon the Secretary may, in his discretion, approve in writing the proposed transfer, and after such approval the transferee shall succeed to all the rights and obligations of the permittee, subject, however, to such new and additional conditions as shall have been embodied in such agreement and so approved.

§ 245.25 *Revocation of permit.* Violation by a permittee of any of the provisions of §§ 245.1-245.28, or of any of the conditions of a permit issued to him thereunder, shall be sufficient ground for revocation of such permit.

No permit will be deemed to be revoked except on the issuance by the Secretary of a specific order of revocation. Change of jurisdiction over lands from one executive department to another will not revoke but will change the administrative jurisdiction over a permit for the occupancy and use of such lands. The final disposal by the United States of any tract traversed by a right-of-way permitted shall not be construed to be a revocation of such permission in whole or in part, but such final disposition shall be deemed and taken to be subject to such right-of-way until such permission shall have been specifically revoked.

§ 245.26 *Abandonment of project.* Any power project under permit, or any part thereof, whether constructed or unconstructed, may be abandoned by the permittee upon the written approval of the Secretary after a finding by the Secretary that such abandonment will not tend to prevent the subsequent development of such project or part thereof so abandoned, and after the fulfillment by the permittee of all the obligations under the permit, in respect to payment or otherwise, existing at the time of such approval. Upon such abandonment, after such approval thereof and fulfillment of existing obligations, so much of the agreement and permit as relates to the abandoned project or part of a project will be formally revoked by the Secretary.

§ 245.27 *Action on application.* When an application is filed, the register will place on the papers and accompanying maps, the serial number, the name of the office, and the date of filing. Notations will be made on the local office records opposite each unpatented tract and such patented tracts as have been acquired by the United States, affected by the right-of-way or site, giving serial number, date of filing and the name of the applicant. The register will certify on each map over his written signature, that unpatented land is affected. The application will then be transmitted promptly to the General Land Office. If no unpatented land or patented land acquired by the United States is affected, the register will return the map and duplicate to the applicant with notice of that fact.

(a) Upon receipt of the application in the General Land Office, it will be noted on the records of that office and examined as to its legal and factual sufficiency and requirements. The General Land Office will then transmit the duplicate application and two print copies of all maps to the Geological Survey for examination and report as to its relationship to plans for comprehensive development of the natural resources involved, as to the incompatibility of proposed construction and use of lands with existing or other proposed works or with other land-use projects, as to the propriety and feasibility from an engineering standpoint of construction proposed, and as to other matters of an engineering or technical nature. Requests by the General Land Office shall be made to the Bureau of Reclamation and all other in-

interested bureaus for reports relating to payments, rentals and stipulations, if any, deemed necessary for the protection of their interests.

(b) Applications which do not conform to the law and regulations or the approval of which would be incompatible with the public or Government interests will be rejected with the right of appeal. When an application is completed and in conformity with the law and regulations and all required reports have been obtained, the General Land Office will prepare and submit to the Secretary with recommendation for approval, a draft of a permit in triplicate, through the Division of Power.

§ 245.28 *Action on approved permit.* Upon approval of the permit, the General Land Office, will note the fact of such approval on its records and on the maps of location and will transmit one original permit and one copy thereof together with one tracing of all maps of location to the district land office, whereupon the register will note the approval of the permit on the records of his office and will transmit the original permit to the permittee, retaining the copy of the permit and the tracing maps for the files of his office. The General Land Office will retain one original permit and one tracing of all maps of location for its files and transmit one copy of the permit to the Geological Survey, two copies to the Office of Indian Affairs, where the right-of-way affects Indian lands, one copy to such other bureau of the Department having control and administration of the lands affected, and one original of the permit to the General Accounting Office, where payment of a rental charge for the use of public lands is required.

(a) After the issuance of the permit, the Geological Survey will make such investigations and reports to the Secretary of the Interior as may be necessary for the determination and revision of rates and capacities, the supervision of construction and operation, and of the records of the permittee as contemplated by §§ 245.1-245.29, and, in general, for all engineering matters pertaining to the power development and the power resources involved.

(b) The permittee shall at all times keep the Secretary informed of his address, and in case of corporations, with the address of its principal place of business and of the names and addresses of its principal officers.

§ 245.29 *Regulations superseded.* Sections 245.1 to 245.29, inclusive, supersede §§ 245.1 to 245.29, inclusive, of title 43 of the Code of Federal Regulations. (Circ. No. 1461, October 30, 1939)

FRED W. JOHNSON,  
Commissioner.

Approved: December 14, 1942.

ABE FORTAS,

Acting Secretary of the Interior.

[F. R. Doc. 42-13775; Filed, December 23, 1942;  
9:33 a. m.]

## TITLE 50—WILDLIFE

### Chapter I—Fish and Wildlife Service

#### PART 25—SOUTHERN REGION NATIONAL WILDLIFE REFUGES

##### SABINE NATIONAL WILDLIFE REFUGE, LOUISIANA

Under authority of section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222; 16 U.S.C. 715i), as amended, and in extension of § 12.3 of the regulations for the Administration of National Wildlife Refuges under the Jurisdiction of the Fish and Wildlife Service, dated December 19, 1940,<sup>1</sup> the following is hereby ordered:

§ 25.796 *Sabine National Wildlife Refuge, Louisiana; noncommercial fishing.* Noncommercial fishing is permitted in the Sabine National Wildlife Refuge, Louisiana, from May 1 to October 15, inclusive, of each year, during the daylight hours, in waters specified herein, in accordance with the provisions of the regulations for the Administration of National Wildlife Refuges under the Jurisdiction of the Fish and Wildlife Service, dated December 19, 1940, and subject to the following conditions, restrictions, and requirements:

(a) *Waters open to fishing.* All the waters in the following-described areas of the refuge shall be open to fishing: All the waters of the refuge, including the bordering canals, in T. 13 S., Rs. 9, 10, and 11 W., and in secs. 1, 12, 13, 24, 25, and 36, T. 13 S., R. 12 W.; the north boundary canal; secs. 2, 3, and 4, T. 13 S., R. 13 W., and all the East Cove area in T. 14 S., Rs. 8 and 9 W., Louisiana Meridian.

(b) *State fishing laws.* Any person who fishes within the refuge must comply with the applicable fishing laws and regulations of the State of Louisiana. Fishing under this regulation shall be by hook and line (including rod and reel) only, as defined by State law, and the use of trot and set lines and other similar contrivances is prohibited.

(c) *Fishing licenses and permits.* Any person who fishes within the refuge shall be in possession of a valid fishing license issued by the Louisiana Department of Conservation, if such license is required, and a permit issued by the officer in charge of the refuge. The permit shall specify the water or waters in which the permittee may fish and the period or periods during which such fishing may be performed. The license and permit must be carried on the person of the licensee while so fishing and must be exhibited upon the request of any representative of the Louisiana Department of Conservation or of the Fish and Wildlife Service.

(d) *Routes of travel.* Persons entering the refuge for the purpose of fishing shall follow such routes of travel as may be designated from time to time by suit-

able posting by the officer in charge of the refuge.

(e) *Use of motorboats.* Persons fishing in lakes or impoundments of the refuge are prohibited from using on or in boats motors of greater than six horsepower capacity, except for official purposes. No restriction is placed on motorboats in canals and rivers.

(f) *Temporary restrictions.* During periods of waterfowl concentrations on the refuge, fishing will not be permitted in such areas of the refuge as, in the judgment of the officer in charge, should be closed to fishing in order to provide adequate protection for such waterfowl concentrations and are posted suitably by such officer.

§ 25.796a *Sabine National Wildlife Refuge, Louisiana; commercial fishing.* Commercial fishing is permitted in all waters of the Sabine National Wildlife Refuge, Louisiana, except during the migratory-waterfowl hunting season, in accordance with the provisions of the regulations for the Administration of National Wildlife Refuges under the Jurisdiction of the Fish and Wildlife Service, dated December 19, 1940, and subject to the following conditions, restrictions, and requirements:

(a) *State fishing laws.* Any person who fishes commercially within the refuge must comply with the applicable fishing laws and regulations of the State of Louisiana.

(b) *Fishing licenses and permits.* Any person who fishes commercially within the refuge shall be in possession of a valid commercial fishing license issued by the Louisiana Department of Conservation, if such license is required, and a permit issued by the officer in charge of the refuge. The permit shall specify the water or waters in which the permittee may fish and the period or periods during which such fishing may be performed. The officer in charge may limit the number of permits issued for any particular waters during such periods as, in his discretion, such action is necessary for the protection of the fishery resources of the refuge or to prevent disturbance to concentrations of waterfowl using such waters or areas. The license and permit must be carried on the person of the licensee while so fishing and must be exhibited upon the request of any representative of the Louisiana Department of Conservation or of the Fish and Wildlife Service.

(c) *Routes of travel.* Persons entering the refuge for the purpose of fishing shall follow such routes of travel as may be designated from time to time by suitable posting by the officer in charge of the refuge.

(d) *Use of motorboats.* Persons fishing in lakes or impoundments of the refuge are prohibited from using in or on boats motors of greater than six horsepower capacity, except for official pur-

<sup>1</sup> 5 F.R. 5284.

poses. No restriction is placed on motor-boats in canals and rivers.

OSCAR L. CHAPMAN,  
Assistant Secretary of the Interior.

DECEMBER 8, 1942.

[F. R. Doc. 42-13761; Filed, December 23, 1942;  
9:35 a. m.]

#### PART 25—SOUTHERN REGION NATIONAL WILDLIFE REFUGES

##### LACASSINE NATIONAL WILDLIFE REFUGE, LOUISIANA

Under authority of section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222; 16 U.S.C. 715i), the following is hereby ordered:

Section 25.532, *Lacassine National Wildlife Refuge, Louisiana; fishing*, is amended by deleting the words and figures "during the hours from sunrise to 8 p. m." and "except during the period from the beginning of the open season on the hunting of migratory birds to April 30, inclusive," and by inserting after the words "in all waters of the Lacassine National Wildlife Refuge, Louisiana," the words and figures "during the daylight hours in the period May 1 to October 15, inclusive."

OSCAR L. CHAPMAN,  
Assistant Secretary of the Interior.

NOVEMBER 26, 1942.

[F. R. Doc. 42-13762; Filed, December 23, 1942;  
9:33 a. m.]

### Notices

#### DEPARTMENT OF THE INTERIOR.

##### Bituminous Coal Division.

##### FARMERS ELEVATOR SERVICE CO.

ORDER SUPPLEMENTING ORDER DATED SEPTEMBER 5, 1941, AS AMENDED

In the matter of the registration of the Farmers Elevator Service Company, Ralston, Iowa, as a bona fide and legitimate farmers' cooperative organization.

The above-named registrant having certified to the Division that the farmers' cooperative organization listed below is a member of registrant and a bona fide and legitimate farmers' cooperative organization:

*It is ordered*, That the list attached to the Order herein dated September 5, 1941, as amended, be, and it is hereby further amended to include therein the name of the farmers' cooperative organization listed below:

Name	Address
Hardy Cooperative Elevator Company.	Hardy, Iowa.

Dated: December 21, 1942.

[SEAL] DAN H. WHEELER,  
Director.

[F. R. Doc. 42-13776; Filed, December 23, 1942;  
11:28 a. m.]

\* 7 F.R. 2914.

#### COOPERATIVE FUEL COMPANY, INC., ET AL. ORDER REVOKING CERTAIN REGISTRATIONS

In the matter of the revocation of registrations as distributors of the Co-operative Fuel Co., Inc., the Hardman Lumber Company, Charles H. Hunter, and Reliable Coal Company (Philip R. Freshour).

The registered distributors, whose names are set forth in Exhibit A, attached hereto and made a part hereof, having requested revocation of registration, having discontinued or disposed of their distribution business, having been reorganized under a new name, having been otherwise succeeded in their business or for other reasons being no longer engaged in business, the registrations previously granted to them should be revoked and their names withdrawn from the List of Registered Distributors.

Accordingly, *It is so ordered*.

Dated: December 21, 1942.

[SEAL] DAN H. WHEELER,  
Director.

#### EXHIBIT A

Registration number and name	Address
1845, The Co-Operative Fuel Co., Inc.	Bluefield, W. Va.
3987, The Hardman Lumber Company.	Downs, Kansas.
4633, Charles H. Hunter.	22 North Fifth St., Reading, Pa.
7650, Reliable Coal Company (Philip R. Freshour).	14th & Gay Sts., Portsmouth, Ohio.

[F. R. Doc. 42-13777; Filed, December 23, 1942;  
11:28 a. m.]

[Docket No. A-1756]

DISTRICT BOARD No. 1

MEMORANDUM OPINION, ETC.

In the matter of the petition of District Board No. 1 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 1.

In the matter of the petition of District Board No. 1 for a change in seam designation and change of price classifications and minimum prices for the coals of the Lansberry No. 3 Mine (Mine Index No. 573) of Lansberry & Son, Abbie E.

Memorandum opinion and order severing Docket No. A-1756, Part II from Docket No. A-1756, and notice of and order for hearing in Docket No. A-1756, Part II.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, was duly filed with the Division by the above-named party, requesting a change in the seam designation from C' to B for the Lansberry No. 3 Mine, Mine Index No. 573, operated by Abbie E. Lansberry & Son, and the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of this mine as well as those for certain other mines in District No. 1.

In the original petition, it is alleged that the said Lansberry No. 3 Mine, Mine

Index No. 573, is incorrectly listed in the Schedules of Effective Minimum Prices for District No. 1 for All Shipments Except Truck, and for Truck Shipments, as being operated in the C' seam, whereas in fact said mine is being operated in the B seam. Therefore, the above-named petitioner proposed that the seam designation of the mine be changed from C' to B, and that the price classification for rail shipment be changed from "F" to "E" in Size Groups 1 to 5 inclusive; and that the minimum prices for truck shipment be changed to reflect the change in seam designation as follows:

Size groups	1	2	3	4	5
From.....	\$2.65	\$2.40	\$2.40	\$2.30	\$2.20
To.....	2.70	2.45	2.45	2.35	2.25

In view of the fact that the proposal for a change in seam designation involves a change in the price classification and minimum prices heretofore established for said coals, the Director is of the opinion that that portion of the original petition relating to the said Lansberry No. 3 Mine, Mine Index No. 573, should be severed therefrom and designated as Docket No. A-1756, Part II, and scheduled for hearing.

However, with respect to that portion of the original petition which is designated as Docket No. A-1756, in which the District Board proposed the establishment of price classifications and minimum prices for other mines, the Director being of the opinion that such relief should be granted with respect to such other mines, an order granting temporary relief and conditionally providing for final relief has been issued in said Docket No. A-1756.

*Now, therefore, it is ordered*, That that portion of Docket No. A-1756 relating to the coals of Mine Index No. 573 be and it hereby is severed from the remainder of Docket No. A-1756 and designated as Docket No. A-1756, Part II.

*It is further ordered*, That a hearing in Docket No. A-1756, Part II under the applicable provisions of said Act and rules of the Division be held on January 28, 1943, at 10 o'clock in the forenoon of that day, at a hearing room of the Division in Washington, D. C. On such day the Chief of the Records Section will advise as to the room where such hearing will be held.

*It is further ordered*, That D. C. McCurtain or any other officer or officers of the Division duly designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, continue said hearing from time to time, and submit to the undersigned proposed findings of fact, conclusions, and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party

herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before January 23, 1943.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 1 for a change in the seam designation for the Lansberry No. 3 Mine, Mine Index No. 573, operated by Abbie E. Lansberry & Son, from C' to B, and for the establishment of price classifications and minimum prices for such coals in the Schedules of Effective Minimum Prices for District No. 1 For All Shipments Except Truck and For Truck Shipments, which reflect such change in seam designation.

Dated: December 21, 1942.

[SEAL] DAN H. WHEELER,  
Director.

[F. R. Doc. 42-13778; Filed, December 23, 1942;  
11:28 a. m.]

[Docket No. 1867-FD]

SHERWOOD-TEMPLETON COAL CO., INC., AND  
LINTON-SUMMIT COAL CO., INC.

#### MEMORANDUM OPINION AND ORDER

In the matter of the application of Sherwood-Templeton Coal Company, Inc., and Linton-Summit Coal Company, Inc., for a determination of the status of waste slurry coal produced at Mine Index Nos. 63, 101, 108, and 112, in District No. 11, pursuant to the second paragraph of section 4-A of the Bituminous Coal Act of 1937.

On August 21, 1942, 7 F.R. 6690, an Order was issued in the above-entitled matter denying the application for exemption filed by Sherwood-Templeton Coal Company, Inc., and Linton-Summit Coal Company, Inc., applicants therein, and providing that such denial was to become effective at the end of sixty (60) days from the date of said Order.

Findings of Fact and Conclusions of Law and an Opinion in this matter were filed simultaneously with said Order and explained that the sixty-day period was allowed as a reasonable time within which to file a petition pursuant to section 4 II (d) of the Act requesting the establishment of minimum prices for the coals involved in this proceeding.

On October 6, 1942, the applicants filed a motion requesting that the effective date of said Order dated August 21, 1942, be extended to one hundred and twenty (120) days from the date thereof on the ground that they had made formal application to District Board No. 11 to file a 4 II (d) petition.

By an Order dated October 12, 1942, 7 F.R. 8289, the Order of August 21, 1942, was modified to the extent that the effective date of said Order became one hundred and twenty (120) days from the date thereof.

On November 14, 1942, District Board No. 11 filed a petition, Docket No. A-1744, for the establishment of price classifications and minimum prices for the coals involved in this proceeding. Because this petition is now receiving consideration, it is appropriate that the effective date of the Order denying exemption dated August 21, 1942, be extended until price classifications and minimum prices, either temporary or final, are established for the coals involved in this proceeding.

Now, therefore, *It is ordered*, That the Order dated August 21, 1942, 7 F.R. 6690, in the above-entitled matter be, and it hereby is, modified to the extent that such Order shall become effective at the time when price classifications and minimum prices, either temporary or final, are established for the coals involved in this proceeding.

Dated: December 21, 1942.

[SEAL] DAN H. WHEELER,  
Director.

[F. R. Doc. 42-13779; Filed, December 23, 1942;  
11:28 p. m.]

[Docket No. A-1769]

#### DISTRICT BOARD NO. 2

##### NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of District Board No. 2 for a change in minimum prices and price classifications established for Size Groups 1 and 2 for rail shipments for the coals of the Midland Mine, Mine Index No. 148 in District No. 2.

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

*It is ordered*, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on January 20, 1943, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, Washington, D. C. On such day the Chief of the Records Section will advise as to the room where such hearing will be held.

*It is further ordered*, That \_\_\_\_\_<sup>1</sup> or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to pre-

<sup>1</sup> Omitted in original document.

pare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before January 15, 1943.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to a petition filed with this Division by District Board No. 2, requesting a change in price classifications established in the Schedule of Effective Minimum Prices for District No. 2 For All Shipments Except Truck for Size Groups 1 and 2 for rail shipments into all Market Areas for the coals of The Midland Mine (Mine Index No. 148) of the Pittsburgh Coal Company as follows:

Size groups	1	2
From.....	"C"	"C"
To.....	"A"	"A"

Dated: December 21, 1942.

[SEAL] DAN H. WHEELER,  
Director.

[F. R. Doc. 42-13780; Filed, December 23, 1942;  
11:23 a. m.]

#### Bureau of Reclamation.

##### COLLIERAN PROJECT, COLORADO

##### FIRST FORM RECLAMATION WITHDRAWAL

NOVEMBER 23, 1942.

#### The SECRETARY OF THE INTERIOR.

SM: In accordance with the authority vested in you by the Act of June 28, 1934 (48 Stat. 1269), as amended, it is recommended that the following described lands be withdrawn from public entry under the first form of withdrawal as provided in Section 3 of the Act of June 17, 1902 (32 Stat. 388) and that departmental order of October 12, 1940, establishing Grazing District No. 7, Colorado, be modified and made subject to the reclamation withdrawal effected by this order.

## COLLEBRAN PROJECT, COLORADO

## SIXTH PRINCIPAL MERIDIAN

## Vega Reservoir Site

Township 9 South, Range 93 West; Section 81, NE $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ .

Respectfully,

H. W. BASHORE,  
Acting Commissioner.

I concur: November 25, 1942.

ARCHIE D. RYAN,  
Acting Director of the  
Grazing Service.

I concur: December 4, 1942.

FRED W. JOHNSON,  
Commissioner of the General  
Land Office.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

ABE FORTAS,  
Under Secretary.

DECEMBER 15, 1942.

[F. R. Doc. 42-13767; Filed, December 23, 1942;  
9:35 a. m.]

## COLLEBRAN PROJECT, COLORADO

## FIRST FORM RECLAMATION WITHDRAWAL

NOVEMBER 23, 1942.

The SECRETARY OF THE INTERIOR.

SIR: It is recommended that the following described lands be withdrawn from public entry under the first form of withdrawal as provided in Section 3 of the Act of June 17, 1902 (32 Stat. 388).

## COLLEBRAN PROJECT, COLORADO

## SIXTH PRINCIPAL MERIDIAN

## Owens Creek Reservoir Site

Township 9 South, Range 92 West:  
Section 24—Lots 2, 3, 4, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Section 25—Lot 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ ;  
Section 26—S $\frac{1}{2}$ ;  
Section 27—Lot 1, N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
Section 34—Lots 1 to 10, inclusive, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Section 35—Lots 1, 2, 3, 4, 5, N $\frac{1}{2}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ ;  
Section 36—NW $\frac{1}{4}$ .  
Township 10 South, Range 92 West:  
Section 2—NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

Respectfully,

H. W. BASHORE,  
Acting Commissioner.

I concur: December 4, 1942.

FRED W. JOHNSON,  
Commissioner of the General  
Land Office.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

ABE FORTAS,  
Under Secretary.

DECEMBER 15, 1942.

[F. R. Doc. 42-13768; Filed, December 23, 1942;  
9:35 a. m.]

## General Land Office.

[Stock Driveways 25 and 208, S. Dak. 2 and 5]  
MODIFICATION OF STOCK DRIVEWAY WITH-  
DRAWALS

By virtue of the authority contained in section 7 of the act of June 28, 1934, 48 Stat. 1272, as amended by the act of June 26, 1936, 49 Stat. 1976 (U.S.C., title 43, sec. 315f), and in section 10 of the act of December 29, 1916, 39 Stat. 865, as amended by the act of January 29, 1929, 45 Stat. 1144 (U.S.C. title 43, sec. 300), It is ordered as follows:

The following-described public lands in South Dakota are hereby classified as necessary and suitable for the purpose and, excepting any mineral deposits therein, are withdrawn from all disposal under the public-land laws and reserved, subject to valid existing rights, for the use of the general public as additions to Stock Driveway Withdrawals Nos. 25 and 208, South Dakota Nos. 2 and 5:

## BLACK HILLS MERIDIAN

T. 12 N., R. 3 E.,  
Sec. 21, N $\frac{1}{2}$ NW $\frac{1}{4}$  and SE $\frac{1}{4}$ NW $\frac{1}{4}$ .  
T. 9 N., R. 7 E.,  
Sec. 29, NW $\frac{1}{4}$ NE $\frac{1}{4}$  and N $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
Sec. 30, NE $\frac{1}{4}$ NE $\frac{1}{4}$ .  
The areas described aggregate 280 acres.

Any mineral deposits in the land shall be subject to location and entry only in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the aforesaid act of January 29, 1929, and existing regulations.

The order of the Assistant Secretary of the Interior of February 13, 1930, establishing Stock Driveway Withdrawal No. 208, South Dakota No. 5, is hereby revoked so far as it affects the following-described lands:

T. 10 N., R. 4 E.,  
Sec. 14, SW $\frac{1}{4}$ SW $\frac{1}{4}$ .  
T. 10 N., R. 5 E.,  
Sec. 34, SE $\frac{1}{4}$ NW $\frac{1}{4}$ .  
T. 10 N., R. 6 E.,  
Sec. 2, SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 3, SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 14, NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 23, SE $\frac{1}{4}$ NE $\frac{1}{4}$  and N $\frac{1}{2}$ SE $\frac{1}{4}$ .  
T. 8 N., R. 7 E.,  
Sec. 24, SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 25, W $\frac{1}{2}$ NE $\frac{1}{4}$  and N $\frac{1}{2}$ SE $\frac{1}{4}$ .  
T. 10 N., R. 7 E.,  
Sec. 20, SE $\frac{1}{4}$ ;  
Sec. 22, SW $\frac{1}{4}$ SW $\frac{1}{4}$ .  
T. 9 N., R. 8 E.,  
Sec. 3, NW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 6, NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

The areas described aggregate 808.44 acres.

OSCAR L. CHAPMAN,  
Assistant Secretary of the Interior.

DECEMBER 1, 1942.

[F. R. Doc. 42-13771; Filed, December 23, 1942;  
9:36 a. m.]

## Office of the Secretary.

## COLUMBIA BASIN PROJECT WAGE BOARD

## RATES FOR NEW EMPLOYMENT

Pursuant to the Order of the Secretary of the Interior, dated February 26, 1942, and entitled *Wage Fixing Procedures, Columbia Basin Project, The Columbia*

Basin Project Wage Board recommends the addition of the following classifications of labor and wage rates to cover new employment.

Sawmill workers have not heretofore been employed on the Columbia Basin Project. However, as such employment is now contemplated, the Columbia Basin Project Wage Board has authorized an investigation of hourly wage rates paid to workers engaged on work of a similar nature in the vicinity of the project. This investigation was conducted by officials of the Bureau of Reclamation and representatives of organized labor.

The Wage Board finds that the hourly wage rates listed below are prevailing for similar work in the vicinity of the project and recommends them for your adoption:

Labor classification	Prevailing hourly rate on private work	Recommended basic hourly rate for B/R employees
Sawyer.....	\$1.60	\$1.60
Millwright.....	1.45	1.45
Planerman.....	1.40	1.40
Edgerman.....	1.25	1.25
Trimmerman.....	1.15	1.15
Lumber grader.....	1.15	1.15
Ratchet setter.....	1.10	1.10
Pondman.....	.90	.90
Deckman.....	.90	.90
Cutoff man.....	.90	.90

The foregoing recommendations approved and adopted by the Columbia Basin Project Wage Board this first day of November 1942.

DUNCAN CAMPBELL,  
Chairman.  
CHARLES A. BISSELL,  
Member.  
FRANK A. BANKS,  
Member.

Approved: December 1, 1942.

HAROLD L. ICKES,  
Secretary of the Interior.

[F. R. Doc. 42-13769; Filed, December 23, 1942;  
9:36 a. m.]

[Interior Department Agency Approval 1]

## COLUMBIA BASIN PROJECT WAGE BOARD

## APPROVAL OF WAGE ADJUSTMENTS

Pursuant to the authority delegated to the Secretary of the Interior and the Interior Department Agency by the National War Labor Board in its General Order No. 21, adopted December 8, 1942, the Interior Department Agency hereby approves the wage adjustments embodied in the recommendations dated November 10, 1942<sup>1</sup> of the Columbia Basin Project Wage Board, and as approved by the Secretary of the Interior on December 14, 1942.

DUNCAN CAMPBELL,  
Special Adviser on Labor Relations,  
Interior Department Agency.

DECEMBER 15, 1942.

[F. R. Doc. 42-13774; Filed, December 23, 1942;  
9:37 a. m.]

<sup>1</sup>Filed with the Division of the Federal Register.

## DEPARTMENT OF AGRICULTURE.

## Agricultural Adjustment Agency.

[ACP-1942- Southern Great Plains-4]

## 1942 SPECIAL AGRICULTURAL CONSERVATION PROGRAM FOR THE SOUTHERN GREAT PLAINS AREA

The 1942 Special Agricultural Conservation Program for the Southern Great Plains Area, as amended [6 F.R. 6661; 7 F.R. 768, 2112, 2877], is further amended as follows:

1. Section 1, (a), (4) is amended to read:

(4) "Acreage planted to wheat" means (i) any acreage of land devoted to seeded wheat (except when such crop is seeded in a mixture designated by the Agricultural Adjustment Agency upon recommendation of the State Committee as a mixture which may reasonably be expected to produce a crop containing such proportions of plants other than wheat that the crop cannot be harvested as wheat for grain or seed); (ii) any acreage of volunteer wheat which reaches maturity: *Provided*, That, on any farm on which the acreage seeded to wheat does not exceed the farm wheat allotment, the acreage of volunteer wheat will not be regarded as acreage planted to wheat for any producer if (a) he places in farm storage and agrees to hold in storage until it may be marketed free of marketing quota penalty an amount of wheat equal to the smaller of his share of the wheat produced on the farm in excess of his share of the normal production of the acreage allotment, or his share of the normal production of the number of acres by which the sum of the acreage of seeded wheat and the acreage of volunteer wheat which reaches maturity exceeds the wheat acreage allotment; (b) he does not seed in excess of the 1943 wheat allotment on the farm; and (c) his aggregate share of the wheat seeded for 1943 on all farms in the county in which he has an interest in the wheat crop does not exceed his aggregate share of the farm wheat allotments or permitted acreages: *Provided*, That for any person who does not comply with the above provisions, the acreage of volunteer wheat which reaches maturity shall be regarded as acreage planted to wheat only for the purpose of determining the acreage on which a deduction should be computed; (iii) any acreage which is seeded to a mixture containing wheat designated under (i) above on which the crops other than wheat fail to reach maturity and the wheat reaches maturity: *Provided*, That all or any part of any acreage determined by the county committee to have been totally destroyed by any cause beyond the control of the operator may be considered as not having been planted to wheat if it cannot be reseeded and, with prior approval of the county committee, is later replaced by other acreage of seeded or volunteer wheat.

2. Section 1, (f), (1), the first paragraph thereof, is amended to read:

(1) The net payment for any farm shall be subject to a deduction of 2 percent of the maximum amount computed

in connection with cropland (section 2, (c), item (1)) for each 1 percent of the cropland on the farm by which the acreage of cropland on the farm devoted exclusively to one or more of the following uses throughout the 1942 crop year is less than 20 percent of the cropland on the farm: *Provided, however*, That when all or a part of the cropland in the farm has been acquired for the purpose of the National War effort, and it would be impracticable or inequitable to require compliance with the soil-conserving requirement on the basis of the total cropland in the farm, the county committee with the approval of the State Committee, in accordance with instructions issued by the Agricultural Adjustment Agency may waive all or any part of such requirement.

3. Section 1, (f), (1), item (x) is amended to read:

(x) *Rye for pasture*. Volunteer wheat pastured to such an extent as to prevent it from reaching maturity.

4. Section 1, (f), (1), item (xi) is amended to read:

(xi) New seedlings of perennial grasses or legumes, biennial legumes, or lespedeza seeded in accordance with good farming practice with flax, peas, or small grains as a nurse crop. The maximum acreage which may qualify under this item shall be limited to the 1942 acreage of flax plus 40 percent of the sum of the 1942 acreages of the following crops on the farm: soybeans for beans, peanuts for oil, hemp, castor beans, sugar beets, dry field peas, dry beans, canning peas, canning tomatoes and land used for school lunch gardens.

5. Section 1 is further amended by adding the following paragraphs (g) and (h):

(g) *Reallocation of allotments due to displacement of producers*. Except as otherwise provided herein, the crop allotment for any land which is removed from agricultural production because of acquisition by a State or Federal agency or for use in connection with the national defense program shall be available to the State Committee for use in providing equitable allotments for farms operated by persons who were producers of such crop on the land so acquired. Insofar as possible the allotments for farms operated by such persons shall be comparable to the allotments for other farms in the locality taking into consideration the allotment for the farm on which the operator was located in 1941.

In the case of cotton and wheat, the allotment established, or which would have been established, for any land acquired in 1940 or thereafter by any Federal agency for national defense purposes shall be placed in a State pool and shall be used only for making equitable allotments for farms owned or acquired by owners dispossessed by a Federal agency because of acquisition of the farm for national defense purposes. The allotment made for any such farm, including farms on which such crop was not planted during any of the three years 1939 to 1941, shall compare with the

allotments for such crops established for other farms in the same area which are similar except for the past acreage of such crop, taking into consideration the character and adaptability of the soil and other physical facilities affecting the production of the crop.

(h) *Errors in measurement*. Where a farmer relied solely upon the measured acreage furnished to him in writing by the county committee in planning his 1942 farming operations or in adjusting his 1942 crop acreages, such measured acreage may be used in determining compliance with the provisions of the 1942 program even though it subsequently proves to be incorrect.

6. Section 5, (a), (1), (i) *Wheat*: 1 is amended to read: (i) *Wheat*: 1 (Wheat-allotment farms) \$1.00 per bushel of the normal yield for the farm for each acre planted to wheat in excess of its wheat allotment, except that for any person who does not comply with the volunteer wheat provisions of section 1, (a), (4), (ii), the deduction shall be (a) \$1.00 per bushel of the normal yield for the farm for each acre by which the sum of the acreage seeded to wheat and the acreage of volunteer wheat which reaches maturity is in excess of the allotment times his percentage share (applicable if the wheat allotment exceeds 15 acres or if the sum of the acreage seeded to wheat and the acreage of volunteer wheat which reaches maturity is less than 110 percent of the allotment) or (b) \$1.00 per bushel of the normal yield for the farm for each acre of wheat harvested in excess of 15 acres times his percentage share (applicable if wheat allotment is 15 acres or less and the sum of acreage seeded to wheat and the acreage of volunteer wheat which reaches maturity equals or exceeds 110 percent of wheat allotment).

7. Section 5, (b), (4), (3) is amended to read:

(3) The effectiveness of any soil-building practice carried out under any previous program is destroyed during the 1942 program year contrary to good farming practice, there shall be deducted an amount equal to the payment that would be made under the 1942 program for a similar amount of such practice from the net payment due the person (after increase in small payments and deduction for association expense) on the same or any other farm in the county who was responsible for the failure to maintain such practices. In the event the amount of such deduction exceeds the amount of payment for the producer subject to deduction, the amount of such difference shall be paid by the producer to the Secretary.

8. Section 6 is amended by adding the following paragraph (c):

(c) Notwithstanding any other provisions herein, any deduction computed under section 5, (a), (1), (i) *Wheat*: 1 for failure to comply with the volunteer wheat provisions shall be considered as a personal deduction for the person who failed to comply.

(Secs. 7 to 17, as amended, 49 Stat. 1148, 1915; 50 Stat., etc.)

Done at Washington, D. C., this 21st day of December 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,  
Assistant Secretary of Agriculture.

[F. R. Doc. 42-13722; Filed, December 22, 1942;  
11:00 a. m.]

## FEDERAL SECURITY AGENCY.

### Food and Drug Administration.

[Docket No. FDC-7-D-1]

#### SWEETENED CONDENSED MILK

#### NOTICE OF PUBLIC HEARING

Notice is hereby given that the Administrator of the Federal Security Agency will hold a public hearing by virtue of provisions of the Federal Food, Drug, and Cosmetic Act (secs. 407 and 701, 52 Stat. 1046, 1055; 21 U.S.C. secs. 341 and 371) upon an application of a substantial portion of the interested industry proposing that the definition and standard of identity for sweetened condensed milk (§ 18.530, 5 F.R. 2445) be amended so as to provide for the use of corn sirup as an optional ingredient in sweetened condensed milk.

The Administrator, on his own initiative, proposes also to consider whether a food of a composition substantially the same as sweetened condensed milk, but in which corn sirup has been substituted in whole or in part for the saccharine ingredients specified in said definition and standard of identity for sweetened condensed milk, possesses characteristics that distinguish it from sweetened condensed milk to an extent that, in order to promote honesty and fair dealing in the interest of consumers, a separate and distinct definition and standard of identity should be prescribed for such food under a name other than the name "sweetened condensed milk"; and, if so, what the provisions of such a standard and the designation of such food should be.

The testimony which will be received at the hearing will be restricted to competent testimony which is relevant and material to the questions inherent in the proposals herein set forth. However, such proposals will be considered on the basis of the evidence of record at such hearing as well as the evidence of record on which the order promulgating a definition and standard of identity for sweetened condensed milk is based. (Docket No. FDC-7-D)

The hearing herein announced will be held on January 26, 1943, commencing at 10 o'clock in the forenoon of that day, in Room 2862, South Building, Independence Avenue, between 12th and 14th Streets SW., Washington, D. C.

Affidavits submitted in lieu of oral testimony as provided in the Rules of Practice applicable to this hearing (21 CFR, § 2.701 et seq.) shall be submitted by delivering them to the presiding officer in care of the hearing clerk at Room 2242,

South Building, Independence Avenue, between 12th and 14th Streets SW., Washington, D. C., on or before the commencement of the hearing. All affidavits submitted are required to be submitted in quintuplicate.

Edward B. Williams is hereby designated as presiding officer to conduct the hearing in place and stead of the Administrator, with full authority to administer oaths and affirmations and to do all other things appropriate to the conduct of the hearing.

[SEAL] WATSON B. MILLER,  
Acting Administrator.

WASHINGTON, D. C.,  
December 22, 1942.

[F. R. Doc. 42-13766; Filed, December 23, 1942;  
10:46 a. m.]

## OFFICE OF PRICE ADMINISTRATION.

[Suspension Order 179]

HENRY J. GUILMETTE

### ORDER RESTRICTING TRANSACTIONS

Henry J. Guilmette, Route 302, Woodsville, New Hampshire, hereinafter called respondent, was duly served with a notice of charges of violations of Ration Order No. 5A, Gasoline Rationing Regulations, issued by the Office of Price Administration. Pursuant to the notice a hearing upon the charges was held in Concord, New Hampshire, on October 21, 1942. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to the charges was presented before an authorized presiding officer. The matter having been considered by the Deputy Administrator in Charge of Rationing; It is hereby determined that:

(a) Respondent is a dealer in gasoline and operates a gasoline filling station in Woodsville, New Hampshire.

(b) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations (§§ 1394.1502 and 1394.1503) in that on numerous occasions between July 22, 1942, and September 13, 1942, respondent transferred gasoline to consumers and into the fuel tanks of their motor vehicles in exchange for 41 Class A, No. 2 gasoline ration coupons.

Because of the great scarcity and critical importance of gasoline in New Hampshire, respondent's violations of Ration Order No. 5A, Gasoline Rationing Regulations, have resulted in the diversion of gasoline from military and essential civilian uses into non-essential uses, in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Deputy Administrator in Charge of Rationing that further violations by respondent are likely unless appropriate administrative action is taken; *It is therefore ordered:*

(c) During the period in which this Suspension Order No. 179 shall be in effect,

(1) Respondent shall not accept any deliveries or transfers of, or in any manner directly or indirectly receive from any source any gasoline for resale.

(2) Respondent shall not transfer or deliver or otherwise trade or deal in gasoline.

(3) No person shall in any manner, directly or indirectly, transfer or deliver any gasoline to respondent for resale.

(d) Any terms used in this Suspension Order No. 179, that are defined in Ration Order No. 5A, Gasoline Rationing Regulations, shall have the meaning therein given them.

(e) This Suspension Order No. 179 shall become effective 12:01 A. M., December 26, 1942, and unless sooner terminated, shall expire 12:01 A. M., January 10, 1943.

(Pub. Law 421, 77th Cong.; sec. 2 (a) of Pub. Law 671, 76th Cong.; as amended by Pub. Law 89, 77th Cong. and by Pub. Law 507, 77th Cong.; E.O. No. 9125 (7 F.R. 2719); WPB Directive No. 1 (7 F.R. 562); Supplementary Directive No. 1 H (7 F.R. 3478, 3877, 5216); Supplementary Directive 1Q (7 F.R. 9121).)

Issued this 22d day of December 1942.

PAUL M. O'LEARY,  
Deputy Administrator,  
in Charge of Rationing.

[F. R. Doc. 42-13745; Filed, December 22, 1942;  
4:14 p. m.]

[Suspension Order 180]

PATRICK W. PATERSON

### ORDER RESTRICTING TRANSACTIONS

Patrick W. Paterson, 6 Mechanic Street, Lebanon, New Hampshire, hereinafter called respondent, was duly served with a notice of charges of violations of Ration Order No. 5A, Gasoline Rationing Regulations, issued by the Office of Price Administration. Pursuant to the notice a hearing upon the charges was held in Concord, New Hampshire, on October 22, 1942. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to the charges was presented before an authorized presiding officer. The matter having been considered by the Deputy Administrator in Charge of Rationing, It is hereby determined that:

(a) Respondent is a dealer in gasoline and operates a gasoline filling station in Lebanon, New Hampshire.

(b) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations (§§ 1394.1502 and 1394.1503), in that on numerous occasions between July 22, 1942 and September 17, 1942, respondent transferred gasoline to consumers and into the fuel tanks of their motor vehicles, in exchange for 36 Class A No. 2 gasoline ration coupons.

(c) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations (§§ 1394.1502 and 1394.1503) in that on numerous occasions between July 22, 1942 and September 17, 1942, respondent transferred gasoline to consumers and into the fuel tanks of their motor vehicles without receiving gasoline ration coupons in exchange for such transfers. Such transfers were not within the classes of transfers permitted by Ration

Order No. 5A, Gasoline Rationing Regulations, to be made without the exchange of coupons.

Because of the great scarcity and critical importance of gasoline in New Hampshire, respondent's violations of Ration Order No. 5A, Gasoline Rationing Regulations, have resulted in the diversion of gasoline from military and essential civilian uses into non-essential uses, in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Deputy Administrator in Charge of Rationing that further violations by respondent are likely unless appropriate administrative action is taken, *It is therefore ordered:*

(d) During the period in which this Suspension Order No. 180 shall be in effect,

(1) Respondent shall not accept any deliveries or transfers of, or in any manner directly or indirectly receive from any source any gasoline for resale.

(2) Respondent shall not transfer or deliver or otherwise trade or deal in gasoline.

(3) No person shall in any manner, directly or indirectly, transfer or deliver any gasoline to respondent for resale.

(e) Any terms used in this Suspension Order No. 180, that are defined in Ration Order No. 5A, Gasoline Rationing Regulations, shall have the meaning therein given them.

(f) This Suspension Order No. 180 shall become effective 12:01 a. m., December 26, 1942, and unless sooner terminated, shall expire 12:01 a. m., January 25, 1943.

(Pub. Law 421, 77th Cong.; sec. 2 (a) of Pub. Law 671, 76th Cong.; as amended by Pub. Law 89, 77th Cong. and by Pub. Law 507, 77th Cong.; E.O. No. 9125 (7 F.R. 2719); WPB Directive No. 1 (7 F.R. 562); Supplementary Directive No. 1H (7 F.R. 3478, 3877, 5216); Supplementary Directive 1Q (7 F.R. 9121))

Issued this 22d day of December 1942.

PAUL M. O'LEARY,  
Deputy Administrator,  
in Charge of Rationing.

[F. R. Doc. 42-13746; Filed, December 22, 1942;  
4:14 p. m.]

[Suspension Order 181]

PASQUALE J. AJELLO

#### ORDER RESTRICTING TRANSACTIONS

Pasquale J. Ajello, doing business as Reliable Garage and P. J. Ajello, Incorporated, Ansonia, Connecticut, hereinafter called respondent, was duly served with a notice of charges of violations of Ration Order No. 5A, Gasoline Rationing Regulations, issued by the Office of Price Administration. Pursuant to the notice, a hearing upon the charges was held in Hartford, Connecticut, on October 27, 1942. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to the charges was presented before an authorized presiding officer. The matter having been considered by the Deputy Administrator in Charge of Rationing, it is hereby determined that:

(a) Respondent is a dealer in gasoline and operates a gasoline filling station under the firm name of Reliable Garage, at 16 Maple Street, Ansonia, Connecticut.

(b) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations, (§ 1394.1502) in that on September 1, 1942, and on various occasions between July 22 and September 1, 1942, respondent transferred gasoline to consumers and into the fuel tanks of their motor vehicles without receiving in exchange therefor any gasoline ration coupons. Such transfers were not within the classes of transfers of gasoline permitted by the provisions of Ration Order No. 5A, Gasoline Rationing Regulations, to be made without the exchange of gasoline ration coupons.

(c) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations, (§ 1394.1503), in that on various occasions between July 22 and September 1, 1942, respondent transferred gasoline to consumers and into the fuel tanks of their motor vehicles in exchange for gasoline ration coupons Class "S" from coupon books that were not issued for and did not bear the identification of the vehicles into which the transfers were made.

(d) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations (§ 1394.1503), in that on various occasions between July 22 and September 1, 1942, respondent transferred gasoline to consumers and into the fuel tanks of their motor vehicles and accepted in exchange for such transfers fifty (50) Class A, No. 2 coupons, three (3) Class A, No. 3 coupons and one (1) Class A, No. 4 coupon, and one (1) Class A, No. 6 coupon.

Because of the great scarcity and critical importance of gasoline in Connecticut, respondents' violations of Ration Order No. 5A, Gasoline Rationing Regulations, have resulted in the diversion of gasoline from military and essential civilian uses into non-essential uses, in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Deputy Administrator in Charge of Rationing that further violations by respondent are likely unless appropriate administrative action is taken, *It is therefore ordered:*

(e) During the period in which this Suspension Order No. 181 shall be in effect,

(1) Respondent shall not accept any deliveries or transfers of, or in any manner directly or indirectly receive from any source any gasoline for resale.

(2) Respondent shall not transfer or deliver or otherwise trade or deal in gasoline: *Provided, however,* That respondent may make transfers of the gasoline in his possession at the time this Suspension Order No. 181 is served upon him with the prior approval and under the supervision of the Regional Administrator of the Office of Price Administration for Region I.

(3) No person shall in any manner directly or indirectly transfer or deliver any gasoline to respondent for resale.

(f) Any terms used in this Suspension Order No. 181 that are defined in Ration

Order No. 5A, Gasoline Rationing Regulations, shall have the meaning therein given them.

(g) This Suspension Order No. 181 shall become effective 12:01 a. m. December 26, 1942, and unless sooner terminated, shall expire 12:01 a. m. March 26, 1943.

(Pub. Law 421, 77th Cong.; Sec. 2 (a) of Pub. Law 671, 76th Cong.; as amended by Pub. Law 89, 77th Cong. and by Pub. Law 507, 77th Cong.; E.O. No. 9125 (7 F.R. 2719); WPB Directive No. 1 (7 F.R. 562); Supplementary Directive No. 1H (7 F.R. 3478, 3877, 5216); Supplementary Directive No. 1Q (7 F.R. 9121))

Issued this 22d day of December 1942.

PAUL M. O'LEARY,  
Deputy Administrator  
in Charge of Rationing.

[F. R. Doc. 42-13557; Filed, December 22, 1942;  
4:14 p. m.]

[Suspension Order 186]

#### ORDER RESTRICTING TRANSACTIONS BY EDWARD BUDNY

Edward Budny, doing business as Premium Petroleum Company, 629 South Warren Street, Trenton, New Jersey, hereinafter called respondent, was duly served with a notice of charges of violations of Ration Order No. 5A, Gasoline Rationing Regulations, issued by the Office of Price Administration. Pursuant to the notice, a hearing upon the charges was held in Trenton, New Jersey, on October 9, 1942. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to the charges was presented before an authorized presiding officer. The matter having been considered by the Deputy Administrator in Charge of Rationing, it is hereby determined that:

(a) Respondent is a dealer in gasoline operating five (5) filling stations, located at:

Fenns Neck Circle, Princeton, New Jersey.  
South Warren and Bridge Streets, Trenton, New Jersey.  
South Broad and Harrison Streets, Trenton, New Jersey.  
362 N. Olden Avenue, Trenton, New Jersey.  
Hanover and Calhoun Streets, Trenton, New Jersey.

(b) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations, (§§ 1394.1502 and 1394.1503) in that between July 22, 1942, and September 21, 1942, at the aforesaid stations, respondent transferred and delivered gasoline into the fuel tanks of motor vehicles and accepted in exchange therefor 242 Class A, No. 2 gasoline ration coupons.

Because of the great scarcity and critical importance of gasoline in New Jersey, respondent's violations of Ration Order No. 5A, Gasoline Rationing Regulations, have resulted in the diversion of gasoline from military and essential civilian uses into non-essential uses, in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Deputy Administrator in Charge of Rationing that further violations by respondent are likely

unless appropriate administrative action is taken. *It is therefore ordered:*

(c) During the period in which this Suspension Order No. 186 shall be in effect,

(1) Respondent shall not in any manner directly or indirectly sell, transfer or deliver, from any station, any gasoline to any person.

(2) Respondent shall not accept any deliveries or transfers of, or in any manner directly or indirectly receive from any source any gasoline for resale.

(3) No person, firm, or corporation shall deliver, or in any manner directly or indirectly transfer any gasoline to respondent for resale.

(d) Any terms used in this Suspension Order No. 186, that are defined in Ration Order No. 5A, Gasoline Rationing Regulations, shall have the meaning therein given them.

(e) This Suspension Order No. 186 shall become effective 12:01 a. m. December 26, 1942 and unless sooner terminated, shall expire 12:01 a. m. January 10, 1943.

(Pub. Law 421, 77th Cong.; sec. 2 (a) of Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong. and by Pub. Law 507, 77th Cong.; E.O. No. 9125 (7 F.R. 2719); WPB Directive No. 1 and Supplementary Directive No. 1Q (7 F.R. 9121))

Issued this 22d day of December 1942.

PAUL M. O'LEARY,  
Deputy Administrator,  
in Charge of Rationing.

[F. R. Doc. 42-13747; Filed, December 22, 1942;  
4:15 p. m.]

[Order 2 Under MPR 138]

TENNESSEE PRODUCTS CORP.

APPROVAL OF FEES, ETC.

Order 2 under Maximum Price Regulation 138—Standard Ferromanganese.

Approval of fees and other charges provided for in two contracts for the conversion of ores into standard ferromanganese by the Tennessee Products Corporation.

The Tennessee Products Corporation of Nashville, Tennessee, pursuant to § 1405.3 (c) of Maximum Price Regulation No. 138, has submitted two contracts for the conversion of ores into standard ferromanganese and has made application for approval of the fees and other charges provided for by the aforesaid contracts.

Due consideration has been given to this application and, for the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to § 1405.3 (c) of Maximum Price Regulation No. 138, *It is hereby ordered:*

(a) The fee of \$45.00 per gross ton of standard ferromanganese produced, which is set by the contract of October 15, 1942 between Tennessee Products Corporation of Nashville, Tennessee, and Jones & Laughlin Steel Corporation of Pittsburgh, Pennsylvania, as the sum to be charged by the first party and paid by the second party for the conversion of ores into approximately 35,000 gross tons

of standard ferromanganese containing 78% to 82% manganese, is hereby approved; and the provision that a charge of 75¢ per gross ton may be made for the handling of ores, which require special handling because of the delivery of quantities in excess of the converter's capacity to unload and stock, in accordance with good operating practice, is hereby approved.

(b) The fee of \$45.00 per gross ton of standard ferromanganese produced, which is set by the contract of October 24, 1942 between Tennessee Products Corporation of Nashville, Tennessee and Andrews Steel Company of Newport, Kentucky, as the sum to be charged by the first party and paid by the second party for the conversion of ores into approximately 4,000 gross tons of standard ferromanganese containing 78% to 82% manganese is hereby approved; and the provision that a charge of 75¢ per gross ton may be made for the handling of ores, which require special handling because of the delivery of quantities in excess of the converter's capacity to unload and stock in accordance with good operating practice, is hereby approved.

(c) This Order No. 2 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 2 shall become effective December 23, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of December 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-13748; Filed, December 22, 1942;  
4:16 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-637]

ASSOCIATED GAS AND ELECTRIC CORPORATION  
ET AL.

ORDER PERMITTING DECLARATION TO BECOME  
EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 19th day of December 1942.

In the matter of Denis J. Driscoll and Willard L. Thorp, Trustees, Associated Gas and Electric Corporation, the General Utilities Company, the Western Reserve Power and Light Company and the New London Power Company.

A joint declaration having been filed with this Commission pursuant to sections 12 (c), 12 (d) and 12 (f) of the Public Utility Holding Company Act of 1935, and Rules U-42, U-43, and U-44 of the General Rules and Regulations promulgated thereunder, by Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company, and its subsidiaries, The General Utilities Company and The Western Reserve Power and Light Company, and The New London Power Company, a subsidiary of The Western Reserve Power and Light Company, and an indirect subsidiary of

Trustees, with respect to the said Trustees proposing to enter into an agreement regarding the sale of all the properties of the other declarants to the several purchasers hereinafter set forth, and with further respect to the merger and dissolution of the said subsidiaries; and

Appropriate notice having been given and a public hearing on said joint declaration having been duly held, and the Commission having issued and filed its Findings and Opinion herein;

*It is hereby ordered,* That the conveyance by The General Utilities Company, The Western Reserve Power and Light Company, and The New London Power Company, of the properties specified and itemized below is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935; and

That a specification and itemization of the property to be transferred by The General Utilities Company, The Western Reserve Power and Light Company and The New London Power Company is set forth in Exhibits A-1 to A-10, inclusive, B-1 to B-6, inclusive, C-1, C-2, and D of the form of proposed Agreement to be entered into by and between Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, Debtor, and Hancock-Wood Electric Cooperative, Inc., Paulding-Putnam Electric Cooperative, Inc., North-Central Electric Cooperative, Inc., Tricounty Rural Electric Cooperative, Inc., Midwest Electric, Inc., Lorain-Medina Rural Electric Cooperative, Inc., Holmes Rural Electric Cooperative, Inc., The Village of Lodi, Ohio, and Firelands Electric Cooperative, Inc., which was filed as Exhibit G to the Declaration filed by said Trustees, The General Utilities Company, The Western Reserve Power and Light Company and The New London Power Company with this Commission under File No. 70-637, said Exhibits A-1 to A-10, inclusive, B-1 to B-6, inclusive, C-1, C-2, and D being incorporated herein by reference;

*It is further ordered,* That pursuant to the applicable provisions of the said Act, the said joint declaration be, and hereby is, permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24 of the General Rules and Regulations.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 42-13740; Filed, December 23, 1942;  
3:00 p. m.]

[File No. 70-282]

COMMUNITY POWER AND LIGHT COMPANY  
ET AL.

ORDER RELEASING JURISDICTION AS TO  
PAYMENT OF FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 19th day of December, A. D. 1942.

In the matter of Community Power and Light Company, General Public

Utilities, Inc., Southwestern Public Service Company, et al.

Jurisdiction having been heretofore reserved to the Commission by orders entered herein on July 8, 1942 and September 14, 1942, in respect of the determination of the reasonableness of the fees and expenses incurred or to be incurred in connection with the subject matter of the above entitled proceeding (except as to those heretofore permitted in connection with certain transactions covered by earlier opinions and orders herein), further hearings having been held concerning the same and the record having been completed in respect thereof and having been fully considered by the Commission, and the Commission not finding that the fees and expenses proposed to be paid are unreasonable, or otherwise such as to require adverse action, and deeming it to be in the public interest and in the interest of investors and consumers that the jurisdiction so reserved be now released, and payment of said fees and expenses as presently proposed be permitted;

*It is ordered*, That the jurisdiction heretofore reserved to this Commission in respect of the payment of fees and expenses in the above entitled matter be, and the same is hereby released, and payment thereof be, and the same is hereby permitted;

*Provided*, And this order is entered upon the express condition that said fees and expenses be paid in the amounts, in the manner and to the persons described in "Post-Effective Amendment No. 5" to the applications and declarations filed herein, except only as modified in certain respects at the hearing thereon held in this proceeding on October 5, 1942, said fees and expenses, as so modified, and to be paid by Southwestern Public Service Company, being in the aggregate amount of \$504,943.75, classified as follows:

Attorneys' fees.....	\$112,800.00
Attorneys' out-of-pocket expenses.....	6,923.82
Accountants' charges.....	51,886.09
Taxes.....	60,176.20
Trustees and their counsel.....	34,267.25
Transfer agents, registrars, etc.....	10,106.71
Out-of-pocket expenses of fiduciaries.....	4,612.49
Printing.....	81,072.65
Filing fee on filing of A-2, etc.....	3,601.00
Dillon, Read & Co. services, etc.....	90,000.00
Reimbursement of underwriters' expenses.....	25,000.00
Miscellaneous expenses.....	24,497.54
Grand total.....	504,943.75

And being in the further aggregate amount of \$12,964.19 to be paid by The Kansas Utilities Company in connection with the sale of the assets of that company as heretofore approved by this Commission;

*And provided further*, That a certificate of notification shall be filed with this Commission in this proceeding within thirty days after the said fees and expenses shall have been fully paid, to the effect that the same have been paid in accordance with this order.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 42-13741; Filed, December 22, 1942;  
3:00 p. m.]

[File No. 70-631]

GENERAL GAS & ELECTRIC CORPORATION  
ORDER PERMITTING DECLARATION TO BECOME  
EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 19th day of December, A. D. 1942.

General Gas & Electric Corporation, a registered holding company, and a subsidiary of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company, having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, and particularly section 12 (c) thereof, and Rule U-46 promulgated thereunder, regarding the declaration and payment out of capital surplus of a quarterly dividend on its \$5 Prior Preferred stock for the quarterly period ended December 15, 1941, distribution of the said dividend to be made only to the holders of the 32,110.9 shares in the hands of the public, the Trustees of Associated Gas and Electric Corporation, a registered holding company, having waived the collection of such dividends until further order of the Commission; and

A public hearing having been held after appropriate notice, the Commission having considered the record in this matter, and having made and filed its findings and opinion therein;

*It is ordered*, That, pursuant to Rule U-23 and the applicable provisions of said Act, the aforesaid declaration be and hereby is permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 of the General Rules and Regulations, and subject also to the following condition:

At the time the proposed dividend is paid, General Gas & Electric Corporation shall inform the recipients thereof that the dividend paid is being charged to capital surplus on the books of the company.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 42-13742; Filed, December 22, 1942;  
3:00 p. m.]

[File Nos. 53-11, 53-17, 54-25]

UNITED LIGHT AND POWER COMPANY ET AL.  
NOTICE REGARDING FILING OF RESPONDENTS'  
APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 21st day of December 1942.

In the matter of the United Light and Power Company et al., Respondents and Applicants.

Notice is hereby given that on December 17, 1942 an application designated as "Application No. 18" was filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Mason City Brick and Tile Company ("Brick and Tile"), Rolfe Products Company ("Rolfe") and Mason City Development Company ("Development"), subsidiaries of The United Light and Railways Company, a registered holding company;

Notice is further given that any interested person may, not later than December 26, 1942 at 1:00 p. m., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such application as filed or as amended may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

All interested persons are referred to said application which is on file in the office of said Commission for a statement of the transactions therein proposed, which are summarized below:

Rolfe and Development, wholly-owned subsidiaries of Brick and Tile, and Brick and Tile, a wholly-owned subsidiary of The United Light and Railways Company which is a registered holding company, are non-utility companies engaged, respectively, in the manufacture and sale of metal products, the development of real estate and the manufacture and sale of clay products at Mason City, Iowa. Rolfe and Development propose to liquidate by transferring all their assets to Brick and Tile as a liquidating dividend. Prior to liquidation, Rolfe and Development will pay their liabilities in so far as possible, and any remaining liabilities, including the mortgages payable of Development, will be assumed by Brick and Tile. It is contemplated that, prior to its liquidation, Rolfe will pay a cash dividend to Brick and Tile in an amount not exceeding the earned surplus of Rolfe. Brick and Tile will surrender to Rolfe and Development for cancellation all their outstanding capital stocks and the two latter corporations will be dissolved. It is contemplated that the liquidation of Rolfe and Development will be effected on December 31, 1942, and that these companies will be dissolved as soon as practicable after liquidation.

The applicants have requested that an order be entered granting the application on or before December 29, 1942.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 42-13733; Filed, December 22, 1942;  
3:01 p. m.]

[File No. 812-300]

THE LEHMAN CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 21st day of December, A. D. 1942.

An application having been duly filed by The Lehman Corporation pursuant to section 23 (c) (3) of the Investment Company Act of 1940 for an order permitting applicant to purchase a total of

5,000 shares of applicant's capital stock at a price of 23 $\frac{3}{4}$  per share in blocks of 1,000 shares from each of the following persons, Julius Rosenwald, 2nd, Joan Rosenwald, Janet Rosenwald, Robert L. Rosenwald and Hellen R. Snellenburg, pursuant to agreements dated December 19, 1942 between the applicant and each of the above mentioned persons;

*It is ordered*, That a hearing on the aforesaid application be held on December 28, 1942 at 10:00 in the forenoon of that day in the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise interested parties where such hearing will be held;

*It is further ordered*, That Richard Townsend, Esquire, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice is hereby given to the applicant and any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 42-13738; Filed, December 22, 1942;  
3:01 p. m.]

[File No. 70-540]

**TRI-CITY UTILITIES CO. AND KENTUCKY  
UTILITIES CO.**

**ORDER MODIFYING CONDITIONS AND  
GRANTING EXTENSION OF TIME**

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 17th day of December 1942.

In the matter of Tri-City Utilities Company, Successor in interest herein to Kentucky-Tennessee Light and Power Company, and Kentucky Utilities Company.

Applications and declarations, and amendments thereto, having been filed with this Commission by Tri-City Utilities Company, a subsidiary of Associated Electric Company, a registered holding company, and Kentucky Utilities Company, a registered holding company and a subsidiary of The Middle West Corporation, a registered holding company, pursuant to sections 10 and 12 (d), and Rule U-44 thereunder, of the Public Utility Holding Company Act of 1935, regarding the sale and exchange of certain electric public utility properties; and

The Commission having by order dated August 17, 1942, granted the applications and permitted the declarations to become effective, subject to the terms and conditions prescribed in Rule U-24; and having by further order entered herein on October 9, 1942, modified the said

conditions to the extent necessary to extend the time within which such transactions may be consummated to December 17, 1942; and

Tri-City Utilities Company and Kentucky Utilities Company having requested that the said conditions be further modified to the extent necessary to extend the time within which the transactions as set forth in the applications and declarations may be made to February 17, 1943; and the Commission deeming it appropriate that such request be granted;

*It is ordered*, That the conditions contained in the order of August 17, 1942, be and hereby are modified to the extent necessary to extend the time within which such transactions may be made to February 17, 1943.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 42-13737; Filed, December 22, 1942;  
3:01 p. m.]

[File No. 43-139]

**OKLAHOMA POWER & WATER COMPANY AND  
MIDDLE WEST CORPORATION**

**ORDER PERMITTING WITHDRAWAL OF  
APPLICATION**

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 19th day of December, A. D., 1942.

Oklahoma Power and Water Company having filed an application regarding the declaration and payment of \$79,875 of dividends on its 6% preferred stock out of earned surplus, all of which is owned by The Middle West Corporation, the company having applied for such authority in view of a provision contained in a previous order of the Commission entered under date of May 29, 1942 restricting the company from declaring or paying dividends on any class of its stock without application to and further order of the Commission; and

Oklahoma Power and Water Company having filed a request to withdraw the application and the Commission finding that the granting of such request will not be detrimental to the public interest or the interest of investors or consumers.

*It is ordered*, That such application be withdrawn.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 42-13736; Filed, December 22, 1942;  
3:01 p. m.]

[File No. 52-17]

**JOHN H. RAUSCHER ET AL.**

**ORDER PERMITTING DECLARATION TO BECOME  
EFFECTIVE, ETC.**

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 19th day of December, A. D., 1942.

In the matter of John H. Rauscher, W. D. Courtright, Earl W. Huntley, Paul C. Harper, and Frederick T. Sutton, as Bondholders' Advisory Committee for Northwest Cities Gas Company.

Order permitting declaration to become effective and extending time to consummate certain transactions.

The Commission, having approved by Order dated June 1, 1942, a plan of reorganization of Northwest Cities Gas Company, a subsidiary of Lone Star Gas Corporation, a registered holding company, under section 11 (f) of the Public Utility Holding Company Act of 1935, submitted by John H. Rauscher, W. D. Courtright, Earl W. Huntley, Paul C. Harper, and Frederick T. Sutton, as a Bondholders' Advisory Committee for Northwest Cities Gas Company;

Jurisdiction having been reserved in said order to enter appropriate orders with respect to a declaration and amendments thereto, filed pursuant to sections 11 (g) and 12 (e) of said Act and the Rules thereunder, with respect to the solicitation by said Bondholders' Advisory Committee of acceptances to the said plan of reorganization, and said Order having provided that the transactions approved therein be carried out within 90 days after such approval;

Various further amendments having been filed by said Bondholders' Advisory Committee to the declaration with respect to the said solicitation of acceptances;

The Bondholders' Advisory Committee having requested that the time for carrying out of the transactions hereinbefore approved be extended to 90 days after the entry of an order by the United States District Court, approving the said plan and the documents for soliciting acceptances to the plan;

The Commission having considered the declaration, as amended, and finding that the requirements of Rule U-62 are complied with, and deeming it appropriate in the public interest and the interest of investors to permit the declaration to become effective and to extend the time for carrying out the said transactions to 60 days after the entry of an order by the United States District Court approving the plan and the documents for soliciting acceptances to the plan;

*It is hereby ordered*, That the said declaration, as amended, filed pursuant to sections 11 (g) and 12 (e) of the Act with respect to the solicitation of acceptances to the Plan be permitted to become effective forthwith in the manner and on the terms set forth therein;

*It is further ordered*, That the time for carrying out the transactions heretofore approved by order of the Commission dated June 1, 1942, be extended to 60 days after the entry of an order by the United States District Court approving the said plan and the documents for soliciting acceptances to the said plan.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 42-13735; Filed, December 22, 1942;  
3:02 p. m.]

[File No. 70-619]

BUTLER SUBURBAN WATER COMPANY AND  
BUTLER WATER COMPANYORDER PERMITTING DECLARATIONS TO BECOME  
EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 19th day of December, A. D. 1942.

The Butler Suburban Water Company and its immediate parent company, The Butler Water Company which is a subsidiary of American Water Works and Electric Company, Incorporated, a registered holding company under the Public Utility Holding Company Act of 1935, having filed declarations pursuant to sections 12 (c) and 12 (f) thereof and Rules U-42, U-43 and U-46 promulgated thereunder with regard to the sale by The Butler Suburban Water Company

for a consideration of approximately \$59,638.30 of all of its franchises and all of its property to The Butler Water Company which owns all of the former company's capital stock, such capital stock consisting of 500 shares of \$100 par value common stock and constituting all of its outstanding securities and, in connection with its liquidation, the distribution of its net assets to The Butler Water Company, which net assets will consist solely of the cash consideration so to be received, less the necessary, reasonable expenses incurred in the liquidation.

Said declarations having been filed on October 29, 1942 and amended on December 4, 1942, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said filing

within the period specified in said notice, or otherwise, and not having ordered a hearing thereon;

The Commission finding that the declarations pursuant to sections 12 (c) and 12 (f) of the Act and Rules U-42, U-43, and U-46 thereunder meet the standards thereof and deeming that it is appropriate and in the interest of consumers, investors and the public interest to permit said declarations to become effective;

*It is hereby ordered*, Pursuant to Rule U-23 and the applicable provisions of said Act, and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declarations be and the same hereby are permitted to become effective forthwith.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 42-13734; Filed, December 22, 1942;  
3:02 p. m.]

